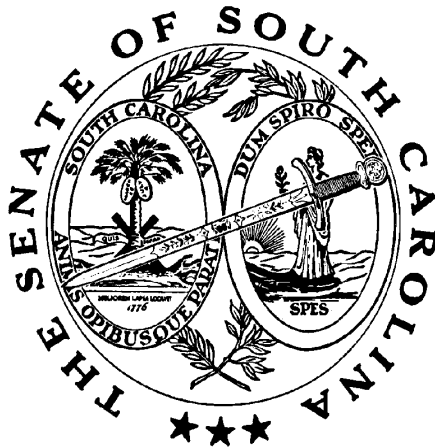


NO. 38

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, MARCH 25, 2009

Wednesday, March 25, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

A quorum being present, the proceedings were opened with a devotion by Senator L. MARTIN.

The PRESIDENT *Pro Tempore* called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Mark C. Sanford:

Statewide Appointments

Initial Appointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2006, and to expire June 30, 2010

1st Congressional District:

Charles F. Koches, 1057 Yeamans Hall Road, Hanahan, SC 29410
VICE Donald Anderson

Referred to the Committee on Judiciary.

Local Appointments

Reappointment, Marlboro County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Ronald K. McDonald, P. O. Box 418, Bennettsville, SC 29512

Reappointment, Marlboro County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Robert A. Stanton, P. O. Box 418, Bennettsville, SC 29512

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

William R. Chumley, 905 Fowler Rd., Woodruff, SC 29388 *VICE*
Brian David Taylor

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Reappointment, Spartanburg County Master-in-Equity, with the term to commence June 30, 2009, and to expire June 30, 2015

Gordon G. Cooper, County of Spartanburg, 180 Magnolia Street, Suite 901, Spartanburg, SC 29306

Doctor of the Day

Senator GROOMS introduced Dr. William Hueston of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SHOOPMAN, at 2:00 P.M., Senator MULVANEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator SHEHEEN, at 2:00 P.M., Senator COLEMAN was granted a leave of absence for today.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 337 Sen. Elliott

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 609 -- Senator Campbell: A SENATE RESOLUTION TO COMMEND LIEUTENANT THEODORE M. STRICKLAND OF REEVESVILLE, SOUTH CAROLINA FOR AN OUTSTANDING CAREER WITH THE SOUTH CAROLINA HIGHWAY PATROL AND FOR HIS OTHER CONTRIBUTIONS TO THIS STATE AND NATION UPON THE OCCASION OF HIS RETIREMENT FROM THE HIGHWAY PATROL AFTER THIRTY-SEVEN YEARS OF DISTINGUISHED SERVICE, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 610 -- Senators Fair and Anderson: A SENATE RESOLUTION TO DECLARE APRIL 13-17, 2009, THE BRIDGE OF UNITY WEEK AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO

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BUILD RELATIONSHIPS WITH FELLOW CITIZENS OF DIFFERENT RACIAL AND CULTURAL BACKGROUNDS.

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On motion of Senator FAIR, with unanimous consent, the Senate Resolution was introduced and ordered placed on the Calendar without reference.

S. 611 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE THE WORK AND ACCOMPLISHMENTS OF SALUDA RIVER ACADEMY FOR THE ARTS OF LEXINGTON COUNTY AND TO CONGRATULATE THE FACULTY AND STAFF UPON THE TENTH ANNIVERSARY OF SERVING THE COMMUNITY WITH SUCH A DISTINCTIVE EDUCATIONAL PROGRAM.

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The Senate Resolution was adopted.

S. 612 -- Senators Setzler and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-41-235 TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE PRODUCTS THAT ARE SUITABLE FOR SUBSEQUENT BLENDING EITHER WITH ETHANOL OR BIODIESEL; TO PROHIBIT A PERSON OR ENTITY FROM TAKING AN ACTION TO DENY A MOTOR FUEL DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE MOTOR FUEL DISTRIBUTORS, RETAILERS, AND REFINERS TO UTILIZE THE RENEWABLE IDENTIFICATION NUMBER; AND TO DECLARE VIOLATIONS AN UNFAIR TRADE PRACTICE.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 613 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-732 SO AS TO REQUIRE HEALTH INSURANCE COVERAGE, INCLUDING COVERAGE UNDER THE STATE HEALTH PLAN, FOR AN INSURED WHO PARTICIPATES IN AN APPROVED CANCER CLINICAL TRIAL.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 614 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 26 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT", AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

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Read the first time and referred to the Committee on Education.

S. 615 -- Senator O'Dell: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROPERTY TAXES SO AS TO CLARIFY THAT A SURVIVING SPOUSE OF A RECIPIENT OF THE EXEMPTION BY REASON OF CERTAIN AMBULATORY DIFFICULTIES IS NOT ALLOWED THAT EXEMPTION.

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Read the first time and referred to the Committee on Finance.

S. 616 -- Senators Knotts, Ford and Campbell: A BILL TO AMEND SECTION 9-11-25, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPTION ALLOWED PROBATE JUDGES TO PARTICIPATE IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO EXTEND THIS OPTION TO ASSISTANT SOLICITORS EMPLOYED BEFORE JULY 1, 2010, AND TO REQUIRE ALL ASSISTANT SOLICITORS HIRED AFTER JUNE 30, 2010, TO PARTICIPATE IN SCPORS, TO REQUIRE THAT EMPLOYER CONTRIBUTIONS FOR ASSISTANT SOLICITORS PARTICIPATING IN SCPORS IN EXCESS OF THE EMPLOYER CONTRIBUTIONS THAT ARE REQUIRED FOR THEIR PARTICIPATION IN THE SOUTH CAROLINA RETIREMENT SYSTEM MUST BE PAID FROM STATE FUNDS APPROPRIATED FOR THE OPERATIONS OF THE OFFICE IN WHICH THE ASSISTANT SOLICITOR SERVES, AND TO CLARIFY A REFERENCE.

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Read the first time and referred to the Committee on Finance.

S. 617 -- Senator Cromer: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 618 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-140 SO AS TO ADOPT SEISMIC AND WIND MAPS FOR THE STATE; BY ADDING SECTION 6-9-150 SO AS TO ESTABLISH AN APPEAL PROCEDURE FOR A BUILDER FROM THE LOCAL BUILDING COUNCIL TO THE STATE LEVEL; TO AMEND SECTION 6-8-20, RELATING TO THE RESPONSIBILITY OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO DESIGNATE THE COUNCIL IN THE MATTERS RELATING TO RESIDENTIAL INSPECTION OR ENFORCEMENT; TO AMEND SECTION 6-9-5, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON PERFORMING BUILDING CODE ENFORCEMENT MUST BE CERTIFIED, SO AS TO REQUIRE THIS PERSON TO BE CERTIFIED BY THE SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL; TO AMEND SECTION 6-9-20, AS AMENDED, RELATING TO THE AUTHORITY OF MUNICIPALITIES AND COUNTIES TO

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ESTABLISH AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES TO ISSUE PERMITS AND ENFORCE BUILDING CODES, SO AS TO MAKE TECHNICAL CHANGES CONSISTENT WITH NAMING OF THE BUILDING CODES COUNCILS; TO AMEND SECTION 6-9-40, AS AMENDED, RELATING TO THE BUILDING CODE ADOPTION PROCEDURE, SO AS TO CREATE A SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL AND THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL AND PROVIDE THAT THE TWO COUNCILS SHALL PROMULGATE REGULATIONS ADOPTING THE SOUTH CAROLINA BUILDING CODES AND SUBMIT THEM TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF CHAPTER 23, TITLE 1 (ADMINISTRATIVE PROCEDURES ACT); TO AMEND SECTION 6-9-50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONALLY RECOGNIZED CODES AND STANDARDS, SO AS TO ESTABLISH RESPONSIBILITY FOR THE SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL TO BE RESPONSIBLE FOR ADOPTION AND MODIFICATION OF THE RESIDENTIAL SECTIONS OF THE SOUTH CAROLINA BUILDING CODES COUNCIL AND THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL TO BE RESPONSIBLE FOR THE ADOPTION OF ALL OTHER CODES LISTED IN THE SECTION; TO AMEND SECTION 6-9-63, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO CHANGE THE COMPOSITION OF THE COUNCILS FOR PURPOSES OF CREATING THE SOUTH CAROLINA COMMERCIAL BUILDING CODES COUNCIL AND ESTABLISH A SOUTH CAROLINA RESIDENTIAL BUILDING CODES COUNCIL AND PROVIDE FOR THEIR COMPOSITION; TO AMEND SECTION 6-9-80, AS AMENDED, RELATING TO THE INJUNCTIVE RELIEF AND OTHER PROCEEDINGS FOR VIOLATION OF CHAPTER 9, TITLE 6, SO AS TO MAKE VIOLATION PRECATORY INSTEAD OF MANDATORY; TO AMEND SECTION 6-9-105, RELATING TO VARIATIONS BASED ON PHYSICAL OR CLIMATOLOGICAL CONDITIONS, SO AS TO ADD A GEOLOGICAL CONDITION AS BASIS FOR A VARIATION; AND TO REPEAL SECTION 6-9-135 RELATING TO THE ADOPTION OF CERTAIN PROVISIONS IN

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THE 2006 INTERNATIONAL RESIDENTIAL CODE RELATING TO FLOOD COVERAGE.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 619 -- Senator Anderson: A BILL TO AMEND SECTION 44-7-2430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF DATA PURSUANT TO THE "HOSPITAL INFECTIONS DISCLOSURE ACT", SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COMBINE DATA FROM MULTIPLE REPORTING PERIODS IN COMPILING THE DEPARTMENT'S REPORTS AND TO REQUIRE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, RATHER THAN THE COMMISSIONER OF THE DEPARTMENT, TO APPOINT AN ADVISORY COMMITTEE ON HOSPITAL ACQUIRED INFECTIONS; TO AMEND SECTION 44-7-2440, AS AMENDED, RELATING TO REPORTS COMPILED BY THE DEPARTMENT ON HOSPITAL ACQUIRED INFECTIONS, SO AS TO REQUIRE REPORTS TO THE GENERAL ASSEMBLY TO BE SUBMITTED BEFORE APRIL SIXTEENTH OF EACH YEAR; AND TO AMEND SECTION 44-7-2460, RELATING TO THE REQUIREMENT THAT COMPLIANCE WITH THIS ACT IS A CONDITION OF HOSPITAL LICENSURE AND PERMITTING, SO AS TO ALSO AUTHORIZE THE IMPOSITION OF CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.

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Read the first time and referred to the Committee on Medical Affairs.

S. 620 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSIONERS OF PILOTAGE, RELATING TO ENFORCEMENT OF PILOT STATUTES AND MARITIME HOMELAND SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4053, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 621 -- Senator Malloy: A BILL TO AMEND SECTION 1-11-720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES AND RETIREES ARE ELIGIBLE FOR COVERAGE UNDER THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO ALLOW A PERSON WHO IS ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS AS A COUNTY COUNCIL MEMBER OF A PARTICIPATING COUNTY, AND WHO IS ALSO ELIGIBLE TO ELECT COVERAGE AS THE SPOUSE OF A COVERED EMPLOYEE OR RETIREE, TO PARTICIPATE IN THE INSURANCE PLANS AS EITHER AN EMPLOYEE OR A SPOUSE, BUT NOT BOTH.

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Read the first time and referred to the Committee on Finance.

S. 622 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-57-190 SO AS TO PROHIBIT AN INSURER FROM IMPOSING A SURCHARGE ON A PREMIUM BASED UPON A MOTOR VEHICLE RECORD OR INSURANCE SCORE DURING THE FIRST THIRTY DAYS OF THE POLICY PERIOD UNDER CERTAIN CONDITIONS; BY ADDING SECTION 38-57-330 SO AS TO PROHIBIT INSURERS WHO USE INSURANCE SCORING FROM USING CERTAIN CREDIT ACTIVITIES IN THE SCORING PROCESS; TO AMEND SECTION 38-43-20, AS AMENDED, RELATING TO EXCEPTIONS FOR REQUIRING A LICENSE TO ACT AS AN AGENT FOR AN INSURER OR FOR A FRATERNAL BENEFIT ASSOCIATION, SO AS TO CLARIFY THAT THE EXCEPTION FOR AN EMPLOYEE OF A LICENSED PRODUCER DOES NOT INCLUDE CLERICAL DUTIES TO INCLUDE EXPLANATION OR ADVICE CONCERNING INSURANCE COVERAGE; TO AMEND SECTION 38-59-20, RELATING TO THOSE BUSINESS PRACTICES WHICH CONSTITUTES IMPROPER CLAIM PRACTICES, SO AS TO ADD INVOKING OR THREATENING POLICY DEFENSES UNDER CERTAIN CONDITIONS; AND TO AMEND SECTION 38-77-350, AS AMENDED, RELATING TO THE FORM WHICH MUST BE USED

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WHEN OPTIONAL COVERAGES ARE OFFERED, SO AS TO REQUIRE THE FORM TO BE WITNESSED BY A PRODUCER OR A REPRESENTATIVE OF AN INSURER.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 623 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE LAW ENFORCEMENT DIVISION, RELATING TO STATEWIDE CRIMINAL GANG DATABASE, DESIGNATED AS REGULATION DOCUMENT NUMBER 3221, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 624 -- Senator Setzler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE NORTH EDISTO RIVER ALONG SOUTH CAROLINA HIGHWAY 302 AT THE AIKEN/LEXINGTON COUNTY LINE "HARSEY'S BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "HARSEY'S BRIDGE".

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 625 -- Senators Nicholson and O'Dell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ABBEVILLE HIGH SCHOOL WRESTLING TEAM FOR A SUCCESSFUL SEASON AND TO CONGRATULATE THE COACHES, SCHOOL OFFICIALS, AND THE WRESTLERS FOR WINNING THE 2009 CLASS AA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 626 -- Senator Reese: A SENATE RESOLUTION TO HONOR AND EXTEND MANY THANKS TO FURMAN BABB FOR THE SERVICE AND COMMITMENT HE HAS PROVIDED TO HIS

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COMMUNITY THROUGH THE SELFLESS GIVING OF HIS TIME AND TALENTS.

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The Senate Resolution was adopted.

S. 627 -- Senator Pinckney: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JAMES "JIM" MONROE PARNELL OF JASPER COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

H. 3413 -- Rep. Harrison: A BILL TO AMEND SECTION 61-4-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING BEER KEG REGISTRATION REQUIREMENTS, SO AS TO REVISE THE DEFINITION OF "KEG".

Read the first time and referred to the Committee on Judiciary.

H. 3438 -- Reps. Brady and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38-9-225 AND 38-9-230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38-5-120, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38-9-330, RELATING TO THE DEFINITION OF "COMPANY ACTION LEVEL EVENT", SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38-21-95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO

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FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

Read the first time and referred to the Committee on Banking and Insurance.

H. 3562 -- Reps. Brady and Sandifer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING

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PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

Read the first time and referred to the Committee on Banking and Insurance.

H. 3664 -- Rep. Merrill: A BILL TO AMEND SECTION 59-147-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

Read the first time and referred to the Committee on Finance.

H. 3673 -- Reps. Forrester, Parker, Duncan, Hiott, Allison, Cole, Cooper, Daning, Kelly, Littlejohn, Owens, M. A. Pitts, Rice, Stringer, Wylie, T. R. Young, J. R. Smith, D. C. Smith, Stewart, Millwood, Bedingfield and Lowe: A CONCURRENT RESOLUTION TO EXPRESS THE OPPOSITION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA TO THE FIREARM LICENSING AND RECORD OF SALE ACT OF 2009 RECENTLY INTRODUCED IN THE CONGRESS WHICH WOULD, AMONG OTHER PROVISIONS, REQUIRE ALL FIREARM OWNERS TO APPLY FOR AND CARRY A FEDERALLY ISSUED PICTURE IDENTIFICATION IN ORDER TO KEEP ANY FIREARM IN THEIR HOMES, AND TO MEMORIALIZE THE CONGRESS TO CEASE AND DESIST FROM ATTEMPTING TO ENACT ANY FEDERAL LEGISLATION INFRINGING ON THE CONSTITUTIONAL RIGHT TO EVERY AMERICAN TO KEEP AND BEAR ARMS.

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The Concurrent Resolution was introduced and referred to the General Committee.

H. 3705 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF ANDERSON SCHOOL DISTRICT 1 WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Read the first time and referred to the Committee on Education.

H. 3759 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. AGNES GRAHAM DRAYTON OF LEE COUNTY ON THE OCCASION OF HER NINETIETH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3767 -- Rep. Alexander: A CONCURRENT RESOLUTION TO HONOR THE LIFE AND LEGACY OF ERVIN JAMES, FOUNDER OF JAMESTOWN IN FLORENCE COUNTY, AND TO CELEBRATE THE RICH CONTRIBUTIONS HE MADE TO AFRICAN-AMERICAN HISTORY, AGRICULTURE, AND COMMUNITY GROWTH AT A TIME WHEN MANY AFRICAN AMERICANS STRUGGLED TO SURVIVE.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR

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END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 120 -- Senators Knotts and Rose: A BILL TO AMEND SECTION 56-3-9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES, SO AS TO PROVIDE THAT THE FEE FOR THIS SPECIAL LICENSE PLATE IS THE DEPARTMENT'S COST TO PRODUCE IT AND TO PROVIDE THAT THE PRODUCTION OF THIS LICENSE PLATE IS EXEMPT FROM THE PROVISIONS CONTAINED IN SECTION 56-3-8000(B) AND (C).

S. 120--Committee Amendment Adopted

Read the Second Time, Ordered to a Third Reading

Senator GROOMS asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Transportation.

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The Committee on Transportation proposed the following amendment (120R001.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56-3-9910 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56-3-9910. (A) The Department of Motor Vehicles may issue ‘Gold Star Family’ special license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names who are immediate family members of members of the armed forces killed in action. ~~The~~ There is no fee for this special license plate ~~must be the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title and the special fee required by Section 56-3-2020.~~ The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the South Carolina Chapter of American Gold Star Mothers, Inc. or other similar organization operating in this State. ~~Notwithstanding any other provision of law, of the fees collected for the special license plate, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special plate.~~

(B) Notwithstanding another provision of law, the provisions contained in Section 56-3-8000(B) and (C) do not apply to the production and distribution of ‘Gold Star Family’ special license plates.

(C) For the purposes of this section, ‘immediate family member’ means a person who is a spouse, a child, claimed as a dependent for income tax purposes, or a sibling.”

SECTION 2. This act takes effect upon approval by the Governor.

/ Amend title to conform.

Senator GROOMS explained the committee amendment.

The committee amendment was adopted.

Senator GROOMS asked unanimous consent to give the Bill a second reading.

There was no objection and the Bill was read the second time, as amended, and ordered placed on the Third Reading Calendar.

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S. 120--Ordered to a Third Reading

On motion of Senator GROOMS, with unanimous consent, S. 120 was ordered to receive a third reading on Thursday, March 26, 2009.

There was no objection.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 177 -- Senators Massey and Bryant: A BILL TO AMEND SECTION 50-11-310 OF THE 1976 CODE, RELATING TO OPEN SEASON FOR ANTLERED DEER, TO DELETE THE PROHIBITION OF BAITING FOR DEER IN GAMES ZONES 1 AND 2.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 470 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-560 SO AS TO SPECIFY APPLICABLE FEES FOR RECREATIONAL SALTWATER FISHING LICENSES; BY ADDING SECTION 50-9-715 SO AS TO SPECIFY RECREATIONAL SALTWATER FISHING LICENSE EXEMPTIONS; BY ADDING SECTION 50-9-925 SO AS TO SPECIFY HOW THE REVENUE FROM THE SALE OF STAMPS, LICENSES, PRINTS, AND RELATED ARTICLES MUST BE DISTRIBUTED; TO AMEND SECTION 50-5-15, RELATING TO THE DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA MARINE RESOURCES ACT, SO AS TO DEFINE THE TERMS "DROP NET" AND "FOLD UP TRAP"; TO AMEND SECTION 50-5-955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO SUBSTITUTE REFERENCE TO THE RECREATIONAL SALTWATER FISHING LICENSE FOR THE MARINE RECREATIONAL FISHING STAMP; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL LOGS, SO AS TO REQUIRE MONTHLY SUBMISSIONS TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO REMOVE

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REFERENCES TO RESIDENT AND NONRESIDENT LICENSES; TO AMEND SECTION 50-9-40, RELATING TO LICENSES FOR FRESHWATER FISHING, SO AS TO SPECIFY RECREATIONAL FRESHWATER FISHING; TO AMEND SECTION 50-9-540, AS AMENDED, RELATING TO FRESHWATER AND SALTWATER FISHING LICENSES, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 50-5-1905, 50-5-1910 50-5-1920, 50-5-1925, AND 50-5-1945 ALL RELATING TO RECREATIONAL SALTWATER FISHERIES LICENSES AND STAMPS.

Ordered for consideration tomorrow.

Senator MALLOY from the Committee on Judiciary submitted a favorable with amendment report on:

S. 576 -- Senators McConnell, Malloy, Scott and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 2, SO AS TO ESTABLISH THE CAPITOL POLICE FORCE, WHICH SHALL CONSIST OF THE CAPITOL POLICE FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THE MARSHAL OF THE SUPREME COURT; TO PROVIDE THAT THE FUNCTIONS, POWERS, DUTIES AND RESPONSIBILITIES EXERCISED BY THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PUBLIC SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED EMPLOYEES WHOSE DUTIES INVOLVE THE PROVISION OF SECURITY SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, BUT EXCLUDING THOSE AREAS OF THE STATE HOUSE THAT ARE RESERVED FOR THE EXECUTIVE CHAMBER AND THE GOVERNOR'S STAFF, BE DEVOLVED AND TRANSFERRED TO THE CAPITOL POLICE FORCE; TO PROVIDE THAT THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE SHALL HAVE EXCLUSIVE CARE AND CHARGE OVER THOSE AREAS DESCRIBED IN SECTION 2-3-100, AND TO PROVIDE THAT THE MARSHAL OF THE SUPREME COURT SHALL HAVE PRIMARY RESPONSIBILITY

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OVER THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT AND THE CALHOUN BUILDING; TO PROVIDE FOR THE CREATION OF THE CAPITOL POLICE FORCE COMMITTEE, CONSISTING OF THREE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, THREE MEMBERS OF THE HOUSE APPOINTED BY THE SPEAKER, AND THREE MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH CAROLINA, AND TO PROVIDE THAT THE DIRECTOR OF GENERAL SERVICES SHALL SERVE AS A NON-VOTING EX OFFICIO MEMBER, TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE COMMITTEE; TO PERMIT THE CHIEF OF THE CAPITOL POLICE FORCE TO EMPLOY SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS NECESSARY; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND ALL THEIR DEPUTIES SHALL HAVE THE SAME POLICE POWERS AS SHERIFFS AND DEPUTY SHERIFFS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE MAY ENTER INTO RECIPROCAL LAW ENFORCEMENT AGREEMENTS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND THEIR DEPUTIES MUST DEMONSTRATE KNOWLEDGE OF THE DUTIES OF LAW ENFORCEMENT OFFICERS OR UNDERGO TRAINING REQUIRED OF OFFICERS OF THE SOUTH CAROLINA STATE POLICE; AND TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE OFFICERS; TO AMEND SECTION 10-1-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE CAPITOL POLICE FORCE SHALL PROVIDE SECURITY SERVICES FOR ALL USES OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL GROUNDS; TO AMEND CHAPTER 11 OF TITLE 10 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE PARKING LOTS ON THE CAPITOL GROUNDS AND AT THE SUPREME COURT BUILDING SHALL BE POLICED BY THE CAPITOL POLICE FORCE; TO DELETE SECTION 10-11-90,

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RELATING TO NIGHT WATCHMEN AND POLICEMEN EMPLOYED BY THE BUDGET AND CONTROL BOARD, TO AMEND SECTIONS 10-11-90 AND 10-11-100, RELATING TO NIGHT WATCHMEN; TO AMEND SECTION 10-11-110, RELATING TO TRAFFIC AND PARKING, TO PROVIDE THAT THE CAPITOL POLICE FORCE HAS THE RIGHT TO ISSUE PARKING TICKETS; TO AMEND SECTION 10-11-130, REMOVING REFERENCES TO THE CITY OF COLUMBIA RECORDER AND VESTING JURISDICTION IN CRIMINAL MATTERS IN MAGISTRATE'S COURT; TO DELETE SECTION 10-11-150, RELATING TO THE STATE HOUSE RENOVATION PROJECT; AND TO AMEND SECTION 10-11-310, RELATING TO THE DEFINITION OF CAPITOL GROUNDS; TO INCLUDE THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT; AND TO ADD SECTION 14-3-135 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY CREATING THE MARSHAL OF THE SUPREME COURT AND TO DEFINE HIS DUTIES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59-147-30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3463 -- Reps. G.R. Smith, Bannister and Hiott: A BILL TO AMEND SECTION 56-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HANDWRITTEN AND ELECTRONIC TRAFFIC TICKETS, SO AS TO DELETE THE PROVISIONS THAT REQUIRE ELECTRONIC TRAFFIC TICKETS TO BE PRINTED IN SPECIFIC COLORS.

[SJ]

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Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 552 -- Senators Courson, Rose, Fair and L. Martin: A CONCURRENT RESOLUTION RECOGNIZING THE DILIGENT EFFORTS OF HOME SCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, EXPRESSING SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN, AND DECLARING APRIL 2009, HOME SCHOOL RECOGNITION MONTH.

Returned with concurrence.

Received as information.

S. 558 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE INDEPENDENT COLLEGES AND UNIVERSITIES IN SOUTH CAROLINA DURING "INDEPENDENT COLLEGE AND UNIVERSITY WEEK" OF APRIL 20-24, 2009, AND ON "INDEPENDENT COLLEGE AND UNIVERSITY DAY" ON APRIL 22, 2009, FOR THEIR OUTSTANDING CONTRIBUTIONS IN EDUCATING OUR STATE'S AND NATION'S YOUTH.

Returned with concurrence.

Received as information.

S. 586 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO WITHDRAW THE REQUEST FOR A MEETING OF THE JOINT ASSEMBLY ON WEDNESDAY, MARCH 25, 2009, AT ELEVEN A.M. TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Returned with concurrence.

Received as information.

S. 587 -- Senator Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR DR. EDGAR COPELAND TAYLOR OF LAURENS, SOUTH CAROLINA FOR HIS OUTSTANDING THIRTY-EIGHT YEAR CAREER IN EDUCATION UPON HIS RETIREMENT, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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Returned with concurrence.
Received as information.

S. 596 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT SHAWN F. HILL OF THE SOUTH CAROLINA ARMY NATIONAL GUARD WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

Returned with concurrence.
Received as information.

S. 605 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE THE STUDENTS, FACULTY, STAFF, AND ADMINISTRATION OF LUGOFF-ELGIN MIDDLE SCHOOL IN KERSHAW COUNTY ON RECEIVING A 2009 CAROLINA FIRST PALMETTO'S FINEST AWARD.

Returned with concurrence.
Received as information.

S. 606 -- Senator Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE THE STUDENTS, FACULTY, STAFF, AND ADMINISTRATION OF SPRING VALLEY HIGH SCHOOL IN RICHLAND COUNTY ON RECEIVING A 2009 CAROLINA FIRST PALMETTO'S FINEST AWARD.

Returned with concurrence.
Received as information.

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Message from the House

Columbia, S.C., March 25, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has tabled:

H. 3644 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX ELEVEN O'CLOCK A.M. ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILLS

The following Bills and Joint Resolutions were read the third time and ordered sent to the House of Representatives:

S. 329 -- Senators Fair and Campsen: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24-3-580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24-3-590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO

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REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

S. 573 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO TAX CREDITS FOR FORTIFICATION MEASURES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3205, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 104 -- Senators Verdin and Campsen: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, TO LIMIT THE LIABILITY THAT AN AGRITOURISM PROFESSIONAL MAY INCUR DUE TO AN INJURY OR DEATH SUFFERED BY A PARTICIPANT IN AN AGRITOURISM ACTIVITY, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE AT THE AGRITOURISM FACILITY, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL'S LIABILITY IS NOT LIMITED IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS.

S. 420 -- Senators Knotts, Land, Coleman, Setzler, McConnell, Leatherman, Courson, Thomas and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS TO OPERATE A VEHICLE THAT IS UPFITTED AS AN AMBULANCE OR NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS CERTAIN EXTERIOR ITEMS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE THAT THE USE OF THE VEHICLE DURING THE COMMISSION OF A CRIME OR A TERRORIST ACT IS A FELONY.

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S. 388 -- Senator Leatherman: A JOINT RESOLUTION TO DIRECT THE STATE TREASURER'S OFFICE TO PROVIDE FINANCING ARRANGEMENTS THROUGH THE MASTER LEASE PROGRAM FOR ANY AGENCY THAT HAS NOT PAID IN FULL FOR ITS SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM (SCEIS) IMPLEMENTATION COSTS AND HAS NOT UTILIZED THE AGENCY'S SET-ASIDE ACCOUNT TO MEET ITS OBLIGATIONS, TO PROVIDE THAT THE AMOUNTS AND TIMING OF LEASE PAYMENTS BY AN AGENCY SHALL BE DETERMINED BY THE STATE TREASURER'S OFFICE IN COOPERATION WITH THE SCEIS EXECUTIVE OVERSIGHT COMMITTEE, TO REQUIRE AN AGENCY TO MEET ALL OF ITS SCEIS FINANCIAL OBLIGATIONS, AND TO PROVIDE WHEN AN AGENCY MAY WITHDRAW FUNDS FROM ITS SCEIS SET-ASIDE ACCOUNT.

S. 588 -- Senators Peeler, Setzler, Hayes and Matthews: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH A SCHOOL DISTRICT MUST DECIDE WHETHER TO EMPLOY A TEACHER FOR THE 2009-2010 SCHOOL YEAR FROM APRIL FIFTEENTH TO MAY FIFTEENTH AND TO PROVIDE THAT A TEACHER HAS TEN DAYS FOLLOWING RECEIPT OF WRITTEN NOTIFICATION OF AN OFFER TO ACCEPT THE CONTRACT, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY UNIFORMLY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2009-2010 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM.

SECOND READING BILL

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 463 -- Senators Peeler and Rose: A BILL TO AMEND SECTION 44-36-10 OF THE 1976 CODE, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER'S DISEASE REGISTRY, TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER'S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER'S

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DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER'S DISEASE.

Senator CLEARY explained the Bill.

AMENDED, READ THE SECOND TIME

S. 255 -- Senator L. Martin: A BILL TO AMEND SECTION 56-3-3310 OF THE 1976 CODE, AS AMENDED, RELATING TO THE ISSUANCE OF PURPLE HEART SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THERE IS NO FEE FOR UP TO TWO LICENSE PLATES AND THE BIENNIAL FEE FOR ANY ADDITIONAL PURPLE HEART LICENSE PLATES IS THE SAME AS THE FEE PROVIDED IN ARTICLE 5, CHAPTER 3 OF THIS TITLE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator GROOMS proposed the following amendment (255R003.LKG), which was adopted:

Amend the bill, as and if amended, page 1, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 56-3-3310 of the 1976 Code is amended to read:

“Section 56-3-3310. The department may issue a no more than four permanent special motor vehicle license ~~plate~~ plates to a recipient of the Purple Heart for use on a his private passenger motor ~~vehicle~~ vehicles or motorcycle motorcycles. There is no fee for the issuance of up to four license ~~plate~~ plates, ~~and not more than two license plates may be issued to a person~~. The application for a special plate must include proof the applicant is a recipient of the Purple Heart.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator FAIR proposed the following amendment (NBD\11358AC09), which was adopted:

Amend the bill as and if amended, by adding an appropriately numbered SECTION to read:

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/SECTION __. Section 56-3-7650 of the 1976 Code, as amended by Act 347 of 2008, is further amended to read:

“Section 53-3-7650. The Department of Motor Vehicles may issue ‘Korean War Veterans’ special license plates to owners of private passenger motor vehicles and motorcycles registered in their names who are Korean War Veterans who served on active duty in Korea at anytime during the Korean War or veterans who served on active duty during the period of the Korean War. The applicant must present the department with a DD214 or other official documentation that states that he served on active duty in Korea upon initial application for this special license plate or on active duty during the period of the Korean War. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of twenty dollars. Any portion of the additional twenty-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the state general fund.”

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

Senator L. MARTIN proposed the following amendment (SWB\5840CM09), which was adopted:

Amend the bill as and if amended, by adding the following appropriately numbered SECTION:

/ SECTION __. Section 56-3-1240 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56-3-1240. License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view, except that on truck tractors and road tractors the plates must be attached to the outside front of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be

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at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section 56-5-4530, and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section 56-5-4530, tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, ~~around~~, or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal or a frame on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section 56-3-2520. /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 26 -- Senators Jackson and Rose: A JOINT RESOLUTION TO ESTABLISH THE STROKE SYSTEMS OF CARE STUDY COMMITTEE TO DEVELOP RECOMMENDATIONS FOR A STATE STROKE SYSTEMS OF CARE COMPREHENSIVE SERVICE DELIVERY SYSTEM AND TO PROVIDE FOR THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE STUDY COMMITTEE.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (S-26 AMENDMENT), which was adopted:

[SJ]

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Amend the joint resolution as and if amended, by striking the Joint Resolution in its entirety and inserting:

/ A JOINT RESOLUTION TO ESTABLISH THE STROKE SYSTEMS OF CARE STUDY COMMITTEE WITHIN THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP RECOMMENDATIONS FOR A REGIONALLY ORGANIZED AND STATEWIDE COMPREHENSIVE PLAN FOR A STROKE SYSTEMS OF CARE.

Whereas, stroke is the third leading cause of death in South Carolina resulting in 2,284 deaths and 14,002 hospitalizations that cost \$395.8 million in 2006 ; and

Whereas, South Carolina is among a group of Southeastern states with high stroke death rates commonly referred to as the “Stroke Belt”; and

Whereas, the highest stroke rates within the State are clustered in counties along the Interstate 95 corridor, known as the buckle of the “Stroke Belt”, in which the African American population is in excess of the State’s average and are forty-six percent more likely to die from a stroke than Caucasians in South Carolina; and

Whereas, stroke does not discriminate as to age and strikes young people—including infants and children; and

Whereas, South Carolina ranked fifth in stroke mortality among the states and the District of Columbia in 2005; and

Whereas, urgent stroke care, inclusive of drugs that dissolve blood clots, otherwise known as thrombolytics, has been shown to improve stroke outcome; and

Whereas, time limits for the use of thrombolytics make it critical that the patient be taken to the appropriate stroke treatment center; and

Whereas, science has concluded that fragmentation of the health care delivery system frequently results in sub-optimal treatment, safety concerns, and inefficient use of health care resources and, accordingly, recommends the establishment of a coordinated system of care that integrates preventive and treatment services and promotes patient access to evidence-based care; and

Whereas, the fragmented approach to stroke care that exists in South Carolina fails to provide an effective, integrated system for stroke prevention, treatment, and rehabilitation because of inadequate linkages and coordination among the fundamental components of stroke care, which may be well developed but often operate in isolation; and

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Whereas, the problem of access to coordinated and time sensitive stroke care is exacerbated in rural underserved areas due to inadequate access to neurological expertise; and

Whereas, it is in the best interest of this State and its residents to convene a Study Committee to conduct a review of state resources and make recommendations for the establishment of a seamless system of care for stroke patients throughout South Carolina; and

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1.(A) There is created the Stroke Systems of Care Study Committee composed as follows:

(1) one physician actively involved in stroke care from each of the following fields:

- (a) neurology;
- (b) neuroradiology;
- (c) neurosurgery;
- (d) pediatrics;
- (e) emergency medicine;
- (f) rehabilitation medicine;
- (g) internal medicine, general practice, or family practice

actively involved in stroke care;

- (h) cardiology; and

(2) one emergency medical services provider actively involved in direct stroke care;

(3) one registered professional nurse actively involved in direct stroke care;

(4) one licensed physical therapist actively involved in direct stroke care and research;

(5) one representative of the South Carolina Office of Rural Health;

(6) one physician or representative of an organization actively involved in addressing minority health issues;

(7) one representative of the South Carolina Hospital Association;

- (8) one administrator of an acute stroke rehabilitation facility;

- (9) one representative from the American Stroke Association;

(10) the Deputy Commissioner of the South Carolina Department of Health and Environmental Control, Health Services Division or his designee; and

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(11) the director of the South Carolina Department of Health and Environmental Control Emergency Medical Services, or his designee.

(B) The South Carolina Board of Health and Environmental Control shall appoint the members and the chairperson of the South Carolina Stroke Systems of Care Study Committee.

(C) Vacancies occurring on the committee must be filled in the same manner as the original appointment.

(D) The Study Committee shall accept committee staffing and coordination under the authority of the Department of Health and Environmental Control.

(E) Members of the Study Committee shall serve without mileage, per diem, and subsistence.

SECTION 2. (A) The Study Committee shall develop a plan for a statewide stroke system of care using the resources of both the public and private sectors incorporating flexibility to best fit the needs of each region or locality. The plan must address, but is not limited to:

(1) development and implementation of an urgent response system that is built on the Primary Stroke Center model as designated by the Joint Commission's primary stroke systems model to develop a statewide system of care that will provide appropriate care to stroke patients in the timeliest manner possible.

For purposes of this section, the Joint Commission is the independent, not-for-profit organization that accredits and certifies more than 15,000 health care organizations and programs in the United States, formerly known as the Joint Commission on Accreditation of Healthcare Organizations. Joint Commission accreditation and certification is recognized nationwide as a symbol of quality that reflects an organization's commitment to meeting certain performance standards.

(2) development of methods to promote greater stroke prevention and more effective rehabilitation after stroke;

(3) development of methods in which systems will be evaluated and monitored to demonstrate the impact on the burden of strokes in South Carolina;

(4) development of a public education and awareness program on the signs and symptoms of stroke;

(5) recognition and implementation of a standardized stroke triage assessment tool that will be used by all certified EMS personnel and for the education of pre-hospital and hospital health care providers on the signs and symptoms of stroke;

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(6) identification of a strategy to reduce stroke and stroke treatment disparities among minority, rural, uninsured, and underinsured populations;

(7) recommendations for policy and legislative changes that may be needed including appropriations, designation of facilities based on stroke treatment capabilities, and program development and implementation based on national standards.

(8) compiling and assessing peer-reviewed and evidence-based clinical research and guidelines that provide or support recommended treatment standards;

(9) assessing the capacity of the emergency medical services system and hospitals to deliver recommended treatments in a timely fashion;

(10) coordinating with the state trauma regions for the purposes of coordinating the delivery of stroke care within those regions; and

(11) creating criteria for the designation of acute stroke capable hospitals within the state of South Carolina.

(B) The Study Committee shall meet as often as is necessary and shall convene no later than sixty days after the effective date and at time at least a majority of the members have been appointed. The Study Committee shall submit its report electronically to the General Assembly and the Governor no later than December 1, 2010, at which point the Study Committee will dissolve.

SECTION 3. This resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

S. 26--Ordered to a Third Reading

On motion of Senator JACKSON, with unanimous consent, S. 26 was ordered to receive a third reading on Thursday, March 26, 2009.

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24-3-20, OF THE SOUTH CAROLINA CODE, TO SUBSTITUTE THE TERM "REGIONAL COUNTY OR MUNICIPAL JAIL" FOR THE TERM "COUNTY JAIL", AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24-3-27, TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED.
(ABBREVIATED TITLE).

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Corrections and Penology.

The Committee on Corrections and Penology proposed the following amendment (SWB\5739CM09), which was adopted:

Amend the bill as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 24-3-20(A) of the 1976 Code is amended to read:

“(A) A person convicted of an offense against this State and sentenced to imprisonment for more than three months is in the custody of the South Carolina Department of Corrections, and the department shall designate the place of confinement where the sentence must be served. Nothing in this section prevents a court from ordering a sentence to run concurrently with a sentence being served in another state or an active federal sentence. The department may designate as a place of confinement any available, suitable, and appropriate institution or facility, including a regional, county, or municipal jail or prison camp, whether maintained by the department, ~~or otherwise by some other entity~~. If the facility is not maintained by the department, the consent of the sheriff of the county or municipal chief administrative officer, or the equivalent, where the facility is located must first be obtained. However, a prisoner who escapes or attempts to escape while assigned to medium, close, or maximum custody may not serve his

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sentence for the original conviction or an additional sentence for the escape or attempted escape in a minimum security facility for at least five years after the escape or attempted escape and one year before his projected release date.”

SECTION 2. Section 24-3-27(B) of the 1976 Code is amended to read:

“(B) Every sentenced person committed to a local regional correctional facility constructed or operated pursuant to this section, unless disqualified by sickness or otherwise, must be kept at some useful employment suited to his age and capacity and which may tend to promote the best interest of the citizens of this State. In all cases, the decision to assign work, or disqualify a person from work, or both, is the sole discretion of the official in charge of the facility, and in all cases, no person has a basis to challenge this decision.”

SECTION 3. Section 24-3-30(A) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, a person convicted of an offense against the State must be in the custody of the Department of Corrections, and the department shall designate the place of confinement where the sentence must be served. The department may designate as a place of confinement an available, a suitable, and an appropriate institution or facility including, but not limited to, a regional, county, or municipal jail or ~~work prison~~ camp, whether maintained by the Department of Corrections, or by some other entity. ~~However, the consent of the officials in charge of any regional, county, or municipal institutions so designated must be obtained first. If the facility is not maintained by the department, the consent of the sheriff of the county or municipal chief administrative officer, or the equivalent, where the facility is located must be obtained first.~~ If imprisonment for three months or less is ordered by the court as the punishment, all persons so convicted must be placed in the custody, supervision, and control of the appropriate officials of the county in which the sentence was pronounced, if the county has facilities suitable for confinement. A county or municipality, through mutual agreement or contract, may arrange with another county or municipality or a local regional correctional facility for the detention of its prisoners. The Department of Corrections must be notified by the governing body concerned not less than six months before the closing of a local detention facility which would result in the transfer of those state prisoners confined in the local facility to facilities of the department.”

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SECTION 4. Section 24-3-40 of the 1976 Code is amended to read:

“(A) Unless otherwise provided by law, the employer of a prisoner authorized to work at paid employment in the community under Sections 24-3-20 to 24-3-50 or in a prison industry program provided under Article 3 of this chapter shall pay the prisoner’s wages directly to the Department of Corrections.

If the prisoner is serving his sentence in a local detention or correctional facility pursuant to a designated facilities agreement or in a local work/punishment program, or if the local governing body elects to operate one, then the same provisions for payment directly to the official in charge of the facility shall apply if the facility has the means to account for such monies.

The Director of the Department of Corrections, or the local detention or correctional facility manager, if applicable, shall deduct the following amounts from the gross wages of the prisoner:

(1) If restitution to a particular victim or victims has been ordered by the court, then twenty percent must be used to fulfill the restitution obligation. If a restitution payment schedule has been ordered by the court pursuant to Section 17-25-322, the twenty percent must be applied to the scheduled payments. If restitution to a particular victim or victims has been ordered but a payment schedule has not been specified by the court, the director shall impose a payment schedule of equal monthly payments and use twenty percent to meet the payment schedule so imposed.

(2) If restitution to a particular victim or victims has not been ordered by the court, or if court-ordered restitution to a particular victim or victims has been satisfied, then the twenty percent referred to in subsection (1) must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404, if the prisoner is engaged in work at paid employment in the community. If the prisoner is employed in a prison industry program, then the twenty percent referred to in subsection (1) must be directed to the State Office of Victim Assistance for use in training, program development, victim compensation, and general administrative support pursuant to Section 16-3-1410.

(3) Thirty-five percent must be used to pay the prisoner’s child support obligations pursuant to law, court order, or agreement of the prisoner. These child support monies must be disbursed to the guardian

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of the child or children or to appropriate clerks of court, in the case of court ordered child support, for application toward payment of child support obligations, whichever is appropriate. If there are no child support obligations, then twenty-five percent must be used by the Department of Corrections to defray the cost of the prisoner's room and board. Furthermore, if there are no child support obligations, then ten percent must be made available to the inmate during his incarceration for the purchase of incidentals pursuant to subsection (4). This is in addition to the ten percent used for the same purpose in subsection (4).

(4) Ten percent must be available to the inmate during his incarceration for the purchase of incidentals. Any monies made available to the inmate for the purchase of incidentals also may be distributed to the person or persons of the inmate's choice.

(5) Ten percent must be held in an interest bearing escrow account for the benefit of the prisoner.

(6) The remaining balance must be used to pay federal and state taxes required by law. Any monies not used to satisfy federal and state taxes must be made available to the inmate for the purchase of incidentals pursuant to subsection (4).

(B) The Department of Corrections, or the local detention or correctional facility, if applicable, shall return a prisoner's wages held in escrow pursuant to subsection (A) as follows:

(1) A prisoner released without community supervision must be given his escrowed wages upon his release.

(2) A prisoner serving life in prison or sentenced to death shall be given the option of having his escrowed wages included in his estate or distributed to the persons or entities of his choice.

(3) A prisoner released to community supervision shall receive two hundred dollars or the escrow balance, whichever is less, upon his release. Any remaining balance must be disbursed to the Department of Probation, Parole and Pardon Services. The prisoner's supervising agent shall apply this balance toward payment of the prisoner's housing and basic needs and disburse any balance to the prisoner at the end of the supervision period."

SECTION 5. Section 24-3-50 of the 1976 Code is amended to read:

"Section 24-3-50. The wilful failure of a prisoner to remain within the extended limits of his confinement as authorized by Section 24-3-20(b), or to return within the time prescribed to the designated place of confinement, including a local facility, ~~shall be deemed~~ is an

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escape from the custody of the Department of Corrections and is punishable as provided in Section 24-13-410.”

SECTION 6. Section 24-3-60 of the 1976 Code is amended to read:

“Section 24-3-60. The county clerks of ~~the courts court of general sessions and common pleas of the several counties in this State~~ shall immediately ~~after~~ upon the adjournment of the court of general sessions, in their respective counties, notify the Department of Corrections of the number of ~~convicts~~ prisoners sentenced by the court to imprisonment in the ~~penitentiary~~ state prison system. The department, as soon as it receives such notice, shall send a suitable number of ~~guards~~ employees to ~~convey such convicts~~ transfer the prisoners to the ~~penitentiary~~ state prison system.”

SECTION 7. Section 24-3-70 of the 1976 Code is amended to read:

“Section 24-3-70. No sum beyond the actual expenses incurred in ~~conveying such convicts~~ transferring prisoners to the ~~penitentiary~~ Department of Corrections must be allowed for ~~such~~ these services. ~~Such~~ This sum ~~shall~~ must be paid to the department by the State Treasurer upon the warrant of the Comptroller General.”

SECTION 8. Section 24-3-80 of the 1976 Code is amended to read:

“Section 24-3-80. The director of the prison system shall admit and detain in the Department of Corrections for safekeeping any prisoner tendered by any law enforcement officer in this State by commitment duly authorized by the Governor, provided, a warrant in due form for the arrest of the person so committed shall be issued within forty-eight hours after such commitment and detention. No person so committed and detained shall have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the ~~penitentiary~~ state prison system.”

SECTION 9. Section 24-3-81 of the 1976 Code is amended to read:

“Section 24-3-81. ~~No~~ A prisoner who is incarcerated within the state prison system or who is being detained in a local jail, local detention facility, local correctional facility, or local prison camp, whether awaiting a trial or serving a sentence, is not ~~shall be~~ permitted to have conjugal visits, ~~as defined by the department, except pursuant to written guidelines and procedures promulgated by the department.~~”

SECTION 10. Section 24-3-130(A) of the 1976 Code is amended to read:

“(A)The State Department of Corrections may permit the use of ~~prison~~ inmate labor on state highway projects or other public projects that may be practical and consistent with safeguarding of the inmates

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employed on the projects and the public. The Department of Transportation, another state agency, or a county, municipality, or public service district making a beneficial public improvement may apply to the department for the use of inmate labor on the highway project or other public improvement or development project. If the director determines that the labor may be performed with safety and the project is beneficial to the public, he may assign inmates to labor on the highway project or other public purpose project. The inmate labor force must be supervised and controlled by officers designated by the department but the direction of the work performed on the highway or other public improvement project must be under the control and supervision of the person designated by the agency, county, municipality, or public service district responsible for the work. No person convicted of criminal sexual conduct in the first, second, or third degree or a person who commits a violent crime while on a work release program may be assigned to perform labor on a project described by this section.”

SECTION 11. Section 24-3-131 of the 1976 Code is amended to read:

“Section 24-3-131. The Department of Corrections shall determine whether an agency permitted to utilize ~~convict~~ inmate labor on public projects pursuant to Section 24-3-130 can adequately supervise the inmates. If the director determines that the agency lacks the proper personnel, the agency shall be required to reimburse the department for the cost of maintaining correctional officers to supervise the ~~convicts~~ inmates. In ~~all~~ these cases the Department of Corrections shall be responsible for adequate supervision of the inmates.”

SECTION 12. Section 24-3-140 of the 1976 Code is amended to read:

“Section 24-3-140. The Director of the Department of Corrections shall, when called upon by the keeper of the State House and Grounds, furnish such ~~convict~~ inmate labor as he may need to keep the State House and Grounds in good order.”

SECTION 13. Section 24-3-160 of the 1976 Code is amended to read:

“Section 24-3-160. ~~Any~~ An institution of this State getting ~~convicts~~ inmates from the State ~~Penitentiary~~ Prison System by any act or joint resolution of the General Assembly ~~shall be~~ is required to pay to the Director of the Department of Corrections all moneys expended by him for transportation, guarding, clothing, and feeding ~~such convicts~~ the

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inmates while working for ~~such~~ the institutions and also for medical attention, and the officer in charge of any such institution shall also execute and deliver to the director, at the end of each year, a receipt of five dollars and fifty cents ~~per~~each month for the work of each ~~convict~~inmate so employed.”

SECTION 14. Section 24-3-170 of the 1976 Code is amended to read:

“Section 24-3-170. Clemson University shall pay to the ~~State~~ Department of Corrections ~~hire a fee~~ for all ~~convicts~~ inmates used by the college at the rate of six dollars ~~per~~each month and shall pay the cost of clothing, feeding, and guarding ~~such convicts~~ the inmates while ~~so~~ used and also the transportation of ~~such convicts~~ the inmates and ~~guards employees~~ back and forth from the ~~penitentiary prison~~ to the university.”

SECTION 15. Section 24-3-180 of the 1976 Code is amended to read:

“Section 24-3-180. Whenever ~~a convict shall be~~ an inmate is discharged from ~~the penitentiary a state prison~~, the ~~State~~ Department of Corrections shall furnish ~~such convict~~ the inmate with a suit of common clothes, if ~~deemed~~ necessary, and transportation from the ~~penitentiary prison~~ to his home or as near ~~thereto~~ to it as can be done by public conveyances. The cost of ~~such~~ transportation and clothes ~~shall~~ must be paid ~~to~~ by the State Treasurer, on the draft of the department, countersigned by the Comptroller General.”

SECTION 16. Section 24-3-190 of the 1976 Code is amended to read:

“Section 24-3-190. The balance in the hands of the ~~State~~ Department of Corrections at the close of any year, together with all other amounts received or to be received from the hire of ~~convicts~~ inmates or from any other source during the current fiscal year, are appropriated for the support of the ~~penitentiary department~~.”

SECTION 17. Section 24-3-310 of the 1976 Code is amended to read:

“Section 24-3-310. Since the means now provided for the employment of ~~convict~~ prison labor is inadequate to furnish a sufficient number of ~~convicts~~ inmates with employment, it is the intent of this article to:

(1) further provide more adequate, regular, and suitable employment for the ~~convicts~~ inmates of this State, consistent with proper penal purposes;

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(2) further utilize the labor of ~~convicts~~ inmates for self-maintenance and for reimbursing this State for expenses incurred by reason of their crimes and imprisonment;

(3) effect the requisitioning and disbursement of prison products directly through established state authorities with no possibility of private profits ~~therefrom~~; and

(4) provide prison industry projects designed to place inmates in a realistic working and training environment in which they are able to acquire marketable skills and to make financial payments for restitution to their victims, for support of their families, and for the support of themselves in the institution.”

SECTION 18. Section 24-3-320 of the 1976 Code is amended to read:

“Section 24-3-320. The ~~State~~ Department of Corrections may purchase, in the manner provided by law, equipment, raw materials, and supplies and engage the supervisory personnel necessary to establish and maintain for this State at ~~the penitentiary or~~ any penal farm or institution now, or hereafter, under control of the department, industries for the utilization of services of ~~convicts~~inmates in the manufacture or production of such articles or products as may be needed for the construction, operation, maintenance, or use of any office, department, institution, or agency supported in whole or in part by this State and ~~the its~~ political subdivisions ~~thereof~~.”

SECTION 19. Section 24-3-330(A) of the 1976 Code is amended to read:

“(A) All offices, departments, institutions, and agencies of this State supported in whole or in part by this State shall purchase, and all political subdivisions of this State may purchase, from the State Department of Corrections, articles or products made or produced by ~~convict~~ inmate labor in this State or another state as provided for by this article. These articles and products must not be purchased by an office, a department, an institution, or an agency from another source, unless excepted from the provisions of this section, as provided by law. All purchases must be made from the Department of Corrections, upon requisition by the proper authority of the office, department, institution, agency, or political subdivision of this State requiring the articles or products.”

SECTION 20. Section 24-3-340 of the 1976 Code is amended to read:

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“Section 24-3-340. Notwithstanding the provisions of Sections 24-3-310 to 24-3-330 and 24-3-360 to 24-3-420, no office, department, institution, or agency, of this State, which is supported in whole or in part by this State, shall be required to purchase any article or product from the State Department of Corrections unless the purchase price of such article or product is no higher than that obtainable from any other producer or supplier.”

SECTION 21. Section 24-3-370 of the 1976 Code is amended to read:

“Section 24-3-370. The articles or products manufactured or produced by ~~convict~~ inmate labor in accordance with the provisions of this article shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions, and agencies of this State which are supported in whole or in part by this State; and, secondly, to supplying the political subdivisions of this State with such articles or products.”

SECTION 22. Section 24-3-400 of the 1976 Code is amended to read:

“Section 24-3-400. All monies collected by the ~~State~~ Department of Corrections from the sale or disposition of articles and products manufactured or produced by ~~convict~~ inmate labor, in accordance with the provisions of this article, must be forthwith deposited with the State Treasurer to be kept and maintained as a special revolving account designated ‘Prison Industries Account’, and the monies so collected and deposited must be used solely for the purchase of manufacturing supplies, equipment, machinery, and buildings used to carry out the purposes of this article, as well as for the payment of the necessary personnel in charge, and to otherwise defray the necessary expenses incident thereto and to discharge any existing obligation to the Sinking Funds and Property Division of the State Budget and Control Board, all of which must be under the direction and subject to the approval of the Director of the ~~State~~ Department of Corrections. The Department of Corrections shall contribute an amount of not less than five percent nor more than twenty percent of the gross wages paid to inmate workers participating in any prison industry project established pursuant to the Justice Assistance Act of 1984 (P.L. 98-473) and promptly place these funds on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984 (P.L. 98-473, Title 2, Chapter 14, Section 1404). The Prison Industries Account must never be maintained in excess of the amount necessary to efficiently and

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properly carry out the intentions of this article. When, in the opinion of the Director of the Department of Corrections, the Prison Industries Account has reached a sum in excess of the requirements of this article, the excess must be used by the Department of Corrections for operating expenses and permanent improvements to the state prison system, subject to the approval of the State Budget and Control Board.”

SECTION 23. Section 24-3-420 of the 1976 Code is amended to read:

“Section 24-3-420. Any person who wilfully violates any of the provisions of this article other than Section 24-3-410 ~~shall be~~ is guilty of a misdemeanor and, upon conviction, shall be confined ~~in jail~~ not less than ten days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both, in the discretion of the court.”

SECTION 24. Section 24-3-520 of the 1976 Code is amended to read:

“Section 24-3-520. The ~~sheriff of~~ facility manager who has custody of an inmate for the county in which such convicted person the inmate is so sentenced, together with one deputy or more, if in his judgment it is necessary, shall transfer the inmate as soon as practical convey such convicted person to the custody of the Department of Corrections at a place designated by its director State Penitentiary at Columbia to deliver him to the Director of the Department of Corrections not more than twenty days nor less than two days prior to the time fixed in the judgment for the execution of such condemned person, unless otherwise directed by the Governor or unless a stay of execution has been caused by appeal or the granting of a new trial or other order of a court of competent jurisdiction.”

SECTION 25. Section 24-3-540 of the 1976 Code is amended to read:

“Section 24-3-540. The Department of Corrections shall provide a death chamber and all necessary appliances for inflicting ~~such~~ this penalty ~~by electrocution~~ and pay the costs thereof out of any funds in its hands. The expense of transporting ~~any such criminal~~ an inmate to the State ~~Penitentiary shall~~ Prison System must be borne by the county in which the offense was committed.”

SECTION 26. Section 24-3-550(A)(5) of the 1976 Code is amended to read:

“(5) the counsel for the ~~convict~~ inmate and a religious leader. However, the ~~convict~~ inmate may substitute one person from his

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immediate family for either his counsel or a religious leader, or two persons from his immediate family for both his counsel and a religious leader. For purposes of this item, "immediate family" means those persons eighteen years of age or older who are related to the ~~convict~~ inmate by blood, adoption, or marriage within the second degree of consanguinity."

SECTION 27. Section 24-3-560 of the 1976 Code is amended to read:

"Section 24-3-560. The executioner and the attending physician shall certify the fact of such execution to the clerk of the court of general sessions in which ~~such~~ the sentence was pronounced. ~~Such~~ The certificate shall be filed by the clerk with the papers in the case."

SECTION 28. Section 24-3-570 of the 1976 Code is amended to read:

"Section 24-3-570. The body of the person executed ~~shall~~ must be delivered to his relatives. If no claim is made by relatives for ~~such~~ the body, it ~~shall~~ must be disposed of in the same manner as bodies of ~~convicts dying inmates who die~~ in the State Penitentiary Prison System. If the nearest relatives of a person ~~so~~ executed desire that the body be ~~carried~~ transported to ~~such~~ the person's former home, ~~if in the State~~, the expenses for ~~such~~ this transportation ~~shall~~ must be paid by the ~~Penitentiary authorities, who shall draw their warrant upon the county treasurer of the county from which such convict came and such county treasurer shall pay such expenses and charge to the item of court expenses~~ State Prison System."

SECTION 29. Section 24-3-710 of the 1976 Code is amended to read:

"Section 24-3-710. The director may investigate any misconduct occurring in the State Prison System, provide suitable punishment ~~therefor~~ and execute it, and take all ~~such~~ precautionary measures as in his judgment will make for the safe conduct and welfare of the ~~institution~~ institutions. The director may suppress any disorders, riots, or insurrections that may take place in the ~~penitentiary prison system~~ and prescribe ~~any and all such~~ rules and promulgate regulations as which in his judgment are reasonably necessary to avoid any ~~such~~ occurrence. This same authority applies to the official in charge of a county, municipal, or regional jail, detention facility, or other local facility that houses individuals awaiting trial, serving sentence, or awaiting transfer to another facility, or both."

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SECTION 30. Section 24-3-720 of the 1976 Code is amended to read:

“Section 24-3-720. In order to suppress any disorders, riots, or insurrection among the prisoners, the Director of the Department of Corrections may require the aid and assistance of any of the citizens of the State.”

SECTION 31. Section 24-3-740 of the 1976 Code is amended to read:

“Section 24-3-740. Any person so aiding and assisting the Director of the Department of Corrections shall receive a reasonable compensation ~~therefor~~, to be paid by the department, and allowed him on the settlement of his account.”

SECTION 32. Section 24-3-750 of the 1976 Code is amended to read:

“Section 24-3-750. If, in suppressing ~~any such~~ a disorder, riot, or insurrection, ~~any~~ a person who ~~shall be~~ is acting, aiding, or assisting in committing the same ~~shall be~~ is wounded or killed, the Director of the Department of Corrections, the keeper or ~~any~~ a person aiding or assisting him ~~shall must~~ must be held as justified and guiltless.”

SECTION 33. Section 24-3-760 of the 1976 Code is amended to read:

“Section 24-3-760. In the absence of the Director of the Department of Corrections, the keeper ~~shall have~~ has the same power in suppressing disorders, riots, and insurrections and in requiring aid and assistance in so doing that is ~~herein~~ given to the director.”

SECTION 34. Section 24-3-920 of the 1976 Code, as last amended by Act 353 of 2008 is further amended to read:

“Section 24-3-920. The Director of the Department of Corrections may award up to two thousand dollars for information leading to the capture of each escaped ~~convict~~ inmate. Funds to support such awards shall be generated from monies or things of value used as money found in the unlawful possession of a prisoner and confiscated as contraband by the Department of Corrections.”

SECTION 35. Section 24-3-930 of the 1976 Code is amended to read:

“Section 24-3-930. All guards, keepers, ~~employees~~ officers, and other ~~officers~~ employees who are employed at the ~~Penitentiary~~ State Prison System ~~are~~ are exempted from serving on juries and from military or street duty.”

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SECTION 36. Section 24-3-940 of the 1976 Code is amended to read:

“Section 24-3-940. ~~No gambling shall be~~ Gambling is not permitted at ~~any~~ a prison, farm, or camp where ~~prisoners~~ inmates are kept or worked. ~~Any~~ An officer or employee engaging in, or knowingly permitting, gambling at ~~any such~~ a prison, farm, or camp ~~shall~~ must be ~~immediately~~ dismissed immediately.”

SECTION 37. Section 24-3-951 of the 1976 Code is amended to read:

“Section 24-3-951. Effective July 1, 1995, notwithstanding Section 24-3-956 and any other provision of law, United States currency or money, as it relates to use within the state prison system, is declared contraband and ~~shall be~~ must not be utilized as a medium of exchange for barter or financial transaction between prisoners or prison officials and prisoners within the state prison system, except prisoners on work release or in other community based programs. Inmates must not possess United States currency. All financial disbursements to prisoners or mediums of exchange between prisoners and between the prison system and prisoners shall be transacted with a system of credits.”

SECTION 38. Section 24-3-965 of the 1976 Code is amended to read:

“Section 24-3-965. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, 24-3-950, and 24-7-155, the offenses of furnishing contraband, other than weapons or illegal drugs, to a ~~prisoner~~ an inmate under the jurisdiction of the Department of Corrections or to a ~~prisoner~~ an inmate in a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility, and the possession of contraband, other than weapons or illegal drugs, by a ~~prisoner~~ an inmate under the jurisdiction of the Department of Corrections or by a ~~prisoner~~ an inmate in ~~any~~ a county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility must be tried exclusively in ~~magistrate's~~ magistrates court. Matters considered contraband within the meaning of this section are those which are designated as contraband by the Director of the Department of Corrections or by the local facility manager.”

SECTION 39. Section 24-5-10 of the 1976 Code is amended to read:

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“Section 24-5-10. The sheriff ~~shall have~~ has custody of the jail in his county and, ~~if he appoint a jailer to keep it, the sheriff shall be~~ is liable for ~~such jailer~~ the facility manager appointed to control and manage it, and the sheriff or ~~jailer~~ facility manager shall receive and safely ~~keep in prison any~~ hold and detain a person delivered or committed to either of them, ~~according to law~~ upon presentation of formal charging documents. However, a prisoner who appears to be either severely injured or acutely ill, or who is in a stupor or a coma, even though the apparent cause may be intoxication, must be examined by medical personnel before acceptance or admission to rule out the possibility of brain injury or organic disease as a cause of the apparent disability.”

SECTION 40. Section 24-5-12 of the 1976 Code is amended to read:

“Section 24-5-12. Notwithstanding the provisions of Section 24-5-10 or any other provision of law, the sheriff of any county may, upon approval of the governing body of the county, devolve all of his powers and duties relating to the custody of the county jail and the appointment of a ~~jailer~~ facility manager on the governing body of the county; provided, a sheriff who has been defeated in a primary or general election may not devolve said duties on the governing body of the county. Once a sheriff has devolved these powers and duties to the governing body, custody of the jail shall remain with the governing body unless, by mutual agreement and approval of the sheriff, the governing body devolves its powers and duties relating to the custody of the county jail to the sheriff.”

SECTION 41. Section 24-5-20 of the 1976 Code is amended to read:

“Section 24-5-20. Except as otherwise provided, every sheriff in this State who ~~does not live in the jail shall employ a proper and discreet person as jailer, who shall live within the jail and who shall not use the house for any other purpose than that for which it was designated by law~~ has control of a jail shall appoint a qualified person as facility manager. This person shall have the control and custody of the jail under the supervision of the sheriff. However, should the sheriff not have control of the jail, then this appointment falls to the chief administrative officer of the county in whose jurisdiction the jail lies.”

SECTION 42. Section 24-5-50 of the 1976 Code is amended to read:

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“Section 24-5-50. All sheriffs or governing bodies that have custody of the jail and jailers their respective facility managers are required to receive and keep securely all persons committed by the coroner as required by law.”

SECTION 43. Section 24-5-60 of the 1976 Code is amended to read:

“Section 24-5-60. The sheriffs or ~~jailers in~~ governing bodies of the several respective counties of this State shall keep in safe custody all such prisoners as may be committed to them under the authority of the United States until such prisoners are discharged by due course of law of the United States, under the like penalties as in case of prisoners committed under the authority of this State and upon the terms of the resolution of the Congress of the United States at its session begun and ~~held on~~ held on March 4, 1789. The sheriff or governing body may charge a fee for such prisoners pursuant to the terms and conditions set forth in Section 23-19-20.”

SECTION 44. Section 24-5-80 of the 1976 Code is amended to read:

“Section 24-5-80. The governing body of each county in this State shall furnish, at all times, ~~blankets and such other bedding as shall be necessary for prisoners confined in the jail in the county and prisoners confined on a criminal charge shall be provided with at least two blankets in the winter season~~ sufficient food, water, clothing, personal hygiene products, bedding, blankets, cleaning supplies, and shelter from extreme heat or cold or rain for all persons confined in a jail and access to medical care.”

SECTION 45. Section 24-5-90 of the 1976 Code is amended to read:

“Section 24-5-90. It ~~shall be~~ is unlawful for ~~sheriffs or jailers to make any discrimination~~ discriminate in the treatment of prisoners placed in ~~their~~ the custody of the sheriff or local governing body.

~~Every~~ A violation of this section ~~shall be~~ is a misdemeanor and, upon conviction ~~thereof~~, the person convicted ~~shall~~ must be fined not less than twenty-five dollars and imprisoned for not ~~less than one month nor more than twelve months~~ one year.”

SECTION 46. Section 24-5-110 of the 1976 Code is amended to read:

“Section 24-5-110. ~~Every sheriff~~ A facility manager shall make a return to ~~every~~ the court of general sessions of his county on the first day of the term of the name of every prisoner and the time and cause of

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his confinement, whether civil or criminal. The use of electronic records satisfies this requirement.”

SECTION 47. Section 24-5-120 of the 1976 Code is amended to read:

“Section 24-5-120. ~~Each sheriff shall~~ A facility manager annually shall report to the governing body of his county the actual condition of the jail, the repairs which may be wanted, and their probable cost.”

SECTION 48. Section 24-5-170 of the 1976 Code is amended to read:

“Section 24-5-170. When ~~any a~~ person ~~shall be~~ is apprehended or in confinement according to law in ~~any a~~ county in this State ~~wherein~~ where the jail may be destroyed or rendered uninhabitable by fire or other accident, he ~~shall~~ must be committed to the jail nearest to the one destroyed for safekeeping. ~~The several jailers in this State, keepers of the jails nearest to those jails that may be destroyed as aforesaid, shall receive and safely keep such person.~~ However, the jail must have sufficient bed space. If the jail does not have sufficient bed space, then the official in charge of the jail that was destroyed, or rendered uninhabitable shall contact the facility managers of the jails in the nearest proximity and utilize any available resources to receive and keep the prisoners in custody. The facility managers of this State may enter into mutual aid agreements to assist each other in the event of an emergency or as other needs arise. If sufficient resources are not available within the several counties, then the official in charge of the jail that was destroyed or rendered uninhabitable may request the assistance of the South Carolina Department of Corrections and its resources until the emergency has passed.”

SECTION 49. Section 24-5-300 of the 1976 Code is amended to read:

“Section 24-5-300. For the purposes of this article:

(1) ‘Reserve detention officer’ means a person assigned part-time ~~jailer or~~ detention officer duties without being regularly assigned to full-time ~~jailer or~~ detention officer duties and who serves in that capacity without compensation.

(2) ‘Director’ means the detention director, jail administrator, or other manager employed for the operation of a county, municipal, or multi-jurisdictional local detention facility.

(3) ‘Responsible authority’ means the sheriff, county administrator, mayor, city manager, or other appropriate official who has legal

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responsibility for the management of a local detention facility within a particular jurisdiction.”

SECTION 50. Section 24-5-310 of the 1976 Code is amended to read:

“Section 24-5-310. The director, in his discretion, may appoint the number of reserve detention officers approved by the responsible authority, but not exceeding the number of regular full-time ~~jailers or~~ detention officers funded and employed at the facility, if participation in the reserve detention officer program has been approved by the governing body having jurisdiction over the detention facility. The number of full-time ~~jailers or~~ detention officers must not be decreased because of the institution or expansion of a reserve force. Each period of time a reserve serves must be determined and specified by the director in writing. The powers and duties of a reserve are subject to the provisions of this article and must be prescribed by the director and approved by the responsible authority.

A reserve is subject to removal by the director at any time. A criminal history inquiry and other appropriate background inquiry must be conducted on an applicant before his selection as a reserve.

Before assuming his duties, a reserve must:

- (1) take the oath of office required by law;
- (2) be bonded in an amount determined by the governing body of the county, municipality, or other political entity and which must be not less than one thousand five hundred dollars; and
- (3) successfully complete the course of training required by this article.”

SECTION 51. Section 24-5-320 of the 1976 Code, as last amended by Act 335 of 2008, is further amended to read:

“Section 24-5-320. No reserve shall assume a ~~jailer or~~ detention officer function until he has completed successfully a jail preservice training program approved by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 and passed a comprehensive test prepared by the South Carolina Criminal Justice Academy and administered by the director of the local detention facility. Within one year of appointment, a reserve must successfully complete a jail operations training program promulgated by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 in order to be eligible for continuation as a reserve. A reserve who serves more than one year must complete the same annual in-service training requirements as regular full-time ~~jailers or~~ detention officers. All

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training which is provided locally or regionally is subject to review by the South Carolina Law Enforcement Training Council and approval of the South Carolina Criminal Justice Academy.”

SECTION 52. Section 24-5-330 of the 1976 Code is amended to read:

“Section 24-5-330. Before final acceptance as a reserve, a candidate, at his own expense or through the offices of the doctor of his political entity, shall submit to the director a summary of the results of a current physical examination for the satisfaction of the director concerning physical competence and capability. Other minimum selection standards recognized by law as applicable to full-time ~~jailers or~~ detention officers also shall apply to reserves.”

SECTION 53. Section 24-5-350 of the 1976 Code is amended to read:

“Section 24-5-350. A reserve shall serve and function as a ~~jailer or~~ detention officer only on specific orders and directions of the director. To maintain status, a reserve shall perform a minimum logged service time of ten hours a month or thirty hours a quarter.

No reserve detention officer shall perform any jailer or detention officer duties except under the direct supervision of a full-time ~~jailer or~~ detention officer. A reserve shall not assume full-time duties of ~~jailers or~~ detention officers without complying with the requirements for full-time ~~jailers and~~ detention officers.

A department utilizing reserves shall have at least one full-time officer as a coordinator-supervisor who must be responsible directly to the director.”

SECTION 54. Section 24-5-360 of the 1976 Code, as last amended by Act 335 of 2008, is further amended to read:

“Section 24-5-360. A reserve who has been in active status for at least two years and desires to become a full-time ~~jailer or~~ detention officer, upon application of his director to the South Carolina Criminal Justice Academy and upon completion of other existing requirements, may be accepted at the South Carolina Criminal Justice Academy for additional hours of training required by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23.”

SECTION 55. Section 24-5-370 of the 1976 Code is amended to read:

“Section 24-5-370. A currently certified full-time ~~jailer or~~ detention officer who leaves his position under honorable conditions within twelve months, at the request of his director and with the concurrence

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of the ~~Department of Public Safety~~, South Carolina Criminal Justice Academy, may be issued a registration card identifying him as a member of the reserve if the use of reserve detention officers has been approved by the responsible authority. The officer is not required to undergo the preliminary training for reserves but is required to have a current physical exam and to continue the same annual in-service training requirements as regular full-time ~~jailers or~~ detention officers.”

SECTION 56. Section 24-5-380 of the 1976 Code is amended to read:

“Section 24-5-380. The uniforms and equipment issued by the political entity shall remain the property of the entity but, in the discretion of the director, may be entrusted to the care and control of the reserve. A reserve shall wear a uniform which will identify him as a ~~jailer or~~ detention officer. Handguns, if issued, must be of a caliber approved by the responsible authority.”

SECTION 57. Section 24-5-390 of the 1976 Code is amended to read:

“Section 24-5-390. Workers’ Compensation benefits may be provided for reserves by the governing body in the same manner that benefits are provided for full-time ~~jailers or~~ detention officers.

For purposes of compensation or benefits arising from duty-related injury or death, reserves must be considered employees of the political entities for which they were appointed and must be included with regular duty ~~jailers or~~ detention officers in the assigned responsibility for prevention, suppression, and control of crime.”

SECTION 58. Section 24-7-60 of the 1976 Code is amended to read:

“Section 24-7-60. The governing body of the county shall ~~diet feed~~ and provide suitable and ~~efficient guards and appliances~~ sufficient employee supervision for the safekeeping of all ~~convicts upon whom may be imposed sentence of labor on the highways, streets and other public works of the county~~ persons who have received a sentence to public work detail. It shall ~~likewise also~~ provide all necessary ~~tools, implements and road machines~~ equipment and machinery for performing the work required of ~~such convicts~~ inmates, all costs and expenses of which ~~shall~~ must be paid out of the county ~~road~~ general fund in the same manner as other charges against ~~such~~ the fund are paid.”

SECTION 59. Section 24-7-110 of the 1976 Code is amended to read:

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“Section 24-7-110. The governing body of each county shall ~~employ a physician~~ provide medical personnel whenever necessary to render medical aid to sick ~~convicts~~ inmates whether awaiting trial or serving sentence and to preserve the health of the ~~chain-gang county jail~~ detention facility, prison camp, or other such local facility used for the detention of inmates. ~~The fees and expenses of such employment, as well as for medicines prescribed, shall be paid out of the road fund as other claims are paid against such funds.~~ ”

SECTION 60. Section 24-7-120 of the 1976 Code is amended to read:

“Section 24-7-120. ~~The municipal authorities of any city or town shall diet and provide suitable and efficient guards and appliances for the safekeeping of all convicts sentenced to labor on the highways, streets and other public works of such city or town and shall provide all necessary tools, implements and road machines for performing the work required of such convicts and pay all costs and expenses thereof.~~ The municipal authority of any city or town which utilizes inmate labor shall feed and provide suitable and sufficient employee supervision for the safekeeping of all persons who have received a sentence to public work detail. It shall likewise provide all necessary equipment and machinery for performing the work required of the inmates, all costs and expenses of which must be paid out of the municipal general fund in the same manner as other charges against these funds are paid.

A municipality may operate its own jail for the purpose of detaining those persons charged with a criminal offense pending release on bond or trial and for the purpose of detaining those individuals who have been tried and convicted of a criminal offense in the municipal court. The governing body of the municipality must provide suitable and sufficient employee supervision and equipment to safely keep all persons charged or detained and must pay all costs and expenses. Where the municipality elects not to operate its own jail, then the municipality may enter into an agreement with other municipalities, preferably in the county of jurisdiction, to operate a joint facility to hold these individuals.

The municipality may also elect, in the alternative, to enter into an agreement with the county governing body in which the municipality is located. The agreement may require the municipality to pay a fee to offset the costs of detaining the offenders to include, but not be limited to, medical care and treatment of the offenders, all lodging and meal expenses, all transportation and security for court appearances, medical

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appointments, other transportation as may be necessary, and other miscellaneous expenses as may be mutually agreed upon. Those persons so detained must be in the custody of the county official who has custody of the jail or of the prison camp, as appropriate.

Municipal inmates sentenced to the county jail or prison camp, pursuant to an agreement, must remain in the custody of the county jail or prison camp and must perform labor as assigned by the facility manager.”

SECTION 61. Section 24-7-155 of the 1976 Code is amended to read:

“Section 24-7-155. It ~~shall be~~ is unlawful for ~~any~~ a person to furnish or attempt to furnish ~~any~~ a prisoner in any county, ~~or~~ or municipal, or multi-jurisdictional jail, prison camp, work camp, or overnight lockup facility with ~~any~~ a matter declared by the superintendent of such facility to be contraband. It ~~shall be~~ is unlawful for ~~any prisoner~~ an inmate of ~~such~~ a facility to possess ~~any~~ a matter declared to be contraband. Matters considered contraband within the meaning of this section ~~shall be~~ are those which are designated as contraband and published by the Department of Corrections as Regulation 33-1 of the Department of Corrections and ~~such~~ this regulation ~~shall~~ must be displayed ~~by the Superintendent of the facility~~ in a conspicuous place available and visible to visitors and ~~prisoners~~ inmates at ~~such~~ the facility. The facility manager of a local detention facility, with the approval of the sheriff or chief administrative officer as appropriate, may designate additional items as contraband. Notice of the additional items must be displayed with Regulation 33-1.

~~Any~~ A person violating the provisions of this section ~~shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both.”

SECTION 62. Section 24-9-30 of the 1976 Code is amended to read:

“Section 24-9-30. ~~(a)~~ (A) If an inspection under this chapter discloses that a local confinement facility does not meet the minimum standards established by the South Carolina Association of Counties and adopted by the Department of Corrections, ~~and~~ or the appropriate fire and health codes and regulations, or both, the Director of the South Carolina Department of Corrections shall notify the governing body of the political subdivision responsible for the local confinement facility.

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~~A copy of the written reports of the inspections required by this chapter shall also be sent to the resident or presiding judge of the judicial circuit in which the facility is located.~~ The governing body shall promptly meet to consider the inspection reports, and the inspection personnel shall appear, if requested, to advise and consult concerning appropriate corrective action. The governing body shall initiate appropriate corrective action within ninety days or may voluntarily close the local confinement facility or objectionable portion thereof.

~~(b)~~(B) If the governing body fails to initiate corrective action within ninety days after receipt of the reports of the inspections, or fails to correct the disclosed conditions, the Director of the South Carolina Department of Corrections may order that the local confinement facility, or objectionable portion thereof, be closed at such time as the order may designate. However, if the director determines that the public interest is served by permitting the facility to remain open, he may stipulate actions to avoid or delay closing the facility. The governing body and the resident or presiding judge of the judicial circuit shall be notified by registered certified mail of the director's order closing a local confinement facility.

~~(c)~~(C) The governing body ~~shall have~~ has the right to appeal the director's order to the resident or presiding judge of the circuit in which the facility is located. Notice of the intention to appeal shall be given by registered certified mail to the Director of the South Carolina Department of Corrections and to the resident or presiding judge within fifteen days after receipt of the director's order. The right of appeal ~~shall be deemed~~ is waived if notice is not given as ~~herein~~ provided in this section.

~~(d)~~(D) The appeal ~~shall~~ must be heard before the resident or presiding judge of the circuit who shall give reasonable notice of the date, time, and place of the hearing to the Director of the South Carolina Department of Corrections and the governing body concerned. The hearing ~~shall~~ must be conducted without a jury in accordance with the rules and procedures of the Circuit Court. The Department of Corrections, the governing body concerned, other responsible local officials, and fire and health inspection personnel ~~shall~~ have a right to be present at the hearing and present evidence which the court deems appropriate to determine whether the local confinement facility met the required minimum standards, ~~and~~ or appropriate fire and health codes and regulations, or both, on the date of the last inspection. The court may affirm, reverse, or modify the director's order."

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SECTION 63. Section 24-9-35 of the 1976 Code is amended to read:

“Section 24-9-35. If ~~any~~ a person dies while ~~being~~ incarcerated ~~in any or in the custody of a municipal, or county, or multi-jurisdictional~~ overnight lockup or jail, county prison camp, or state correctional facility, the ~~jailer~~ facility manager or any other person physically in charge of the facility at the time death occurs ~~shall~~ immediately shall notify the coroner of the county in which the institution is located. The ~~jailer~~ facility manager or other person in charge also ~~also~~ report the death and circumstances surrounding it within seventy-two hours to the Jail and Prison Inspection Division of the Department of Corrections. The division shall retain a permanent record of ~~such~~ the reports. Reports ~~shall~~ must be made on forms prescribed by the division.

~~Any~~ A person knowingly and ~~willfully~~ wilfully violating the provisions of this section ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be fined not more than one hundred dollars.”

SECTION 64. Section 24-9-40 of the 1976 Code is amended to read:

“Section 24-9-40. In order to certify compliance with minimum design standards, the Jail and Prison Inspection Division of the Department of Corrections and the State Fire Marshal shall be provided with architectural plans before construction or renovation of any state or local confinement facility. Further, the Jail and Prison Inspection Division shall be notified not less than fifteen days prior to the opening of any state or local prison or detention facility so that inspections and reports may be made. Ninety days prior to the closing of any state or local prison or detention facility, the Division shall be notified by the officials concerned.”

SECTION 65. Section 24-13-10 of the 1976 Code is amended to read:

“Section 24-13-10 In all prisons and ~~chain-gangs~~ local detention facilities in the State, a separation of the sexes ~~shall~~ must be observed at all times ~~observed~~.”

SECTION 66. Section 24-13-20 of the 1976 Code is amended to read:

“Section 24-13-20. The sheriffs of this State ~~shall~~, under the penalty ~~herein~~ provided, in this section must arrest in their respective counties, with or without a warrant, all escaped ~~convicts~~ inmates from the State

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Penitentiary Prisons or from the ~~chain-gang or jails~~ local detention facilities found in their respective counties. Upon ~~any such an~~ arrest ~~any such a~~ sheriff ~~shall immediately~~ must notify immediately the proper authority from whose care ~~such convict~~ the inmate escaped. Upon ~~any the willful~~ willful neglect or failure ~~on the part of any such by~~ a sheriff to comply with the provisions of this section, he ~~shall be~~ is guilty of a misdemeanor and, upon conviction, must be fined in a sum of not more than five hundred dollars nor less than one hundred dollars or be imprisoned for not more than six months or must be ~~both~~ fined and imprisoned, at the discretion of the court.”

SECTION 67. Section 24-13-30 of the 1976 Code is amended to read:

“Section 24-13-30. ~~Any~~ A person officially charged with the safekeeping of ~~prisoners inmates, when such prisoners whether the inmates~~ are awaiting trial ~~in general sessions court~~ or have been sentenced and confined in ~~any a State, county or municipal penal correctional facility, local detention facility, or prison camp or work camp,~~ may use ~~such force as is necessary~~ force to maintain internal order and discipline and to prevent the escape of a prisoner an inmate lawfully in his custody without regard to whether ~~such prisoner the inmate~~ the inmate is charged with or convicted of a felony or misdemeanor.”

SECTION 68. Section 24-13-40 of the 1976 Code is amended to read:

“Section 24-13-40. The computation of the time served by prisoners under sentences imposed by the courts of this State ~~shall~~ must be ~~reckoned~~ calculated from the date of the imposition of the sentence. ~~But when~~ However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served ~~shall~~ must be ~~reckoned~~ calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence ~~shall~~ must be given for time served prior to trial and sentencing. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which

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case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense.”

SECTION 69. Section 24-13-50 of the 1976 Code is amended to read:

“Section 24-13-50. Every municipal and county ~~official~~ facility manager responsible for the custody of persons convicted of ~~any~~ a criminal offense ~~shall~~ on or before the fifth day of each month must file with the Department of Corrections a written report stating the name, race, age, criminal offense, and date and length of sentence of all prisoners in their custody during the preceding month.”

SECTION 70. Section 24-13-80 of the 1976 Code is amended to read:

“Section 24-13-80. (A) As used in this section:

(1) ‘Detention facility’ means a municipal or county jail, a local detention facility, or a state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.

(2) ‘Inmate’ means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) ‘Medical treatment’ means each visit initiated by the inmate to an institutional physician, physician’s extender including a physician’s assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) ‘Administrator’ means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) ‘Director’ means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) repay the costs of:

(a) public property wilfully damaged or destroyed by the inmate during his incarceration;

(b) medical treatment for injuries inflicted by the inmate upon himself or others;

(c) searching for and apprehending the inmate when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

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(d) quelling a riot or other disturbance in which the inmate is unlawfully involved;

(2) defray the costs paid by a municipality or county for ~~elective~~ medical ~~treatment~~ services for an inmate, which ~~has~~ have been requested by ~~him~~ the inmate, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate ~~at the inmate's request~~. If the balance in an inmate's account is five dollars or less, the fee must not be charged. However, a deficiency balance must be carried forward, and, upon a deposit or credit being made to the inmate's account, any outstanding balance may be deducted from the account. This deficiency balance may be carried forward after release of the inmate and may be applied to the inmate's account in the event of subsequent arrests and incarcerations. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate, upon the inmate's request, if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.”

SECTION 71. Section 24-13-125 of the 1976 Code is amended to read:

“Section 24-13-125. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, ~~a prisoner~~ an inmate convicted of a ‘no parole offense’, as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20, or Section 24-3-30, is not eligible for work release until the ~~prisoner~~ inmate has served not less than eighty percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this section may be construed to allow ~~a prisoner~~ an inmate convicted of murder or a

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~~prisoner~~ an inmate prohibited from participating in work release by another provision of law to be eligible for work release.

(B) If ~~a prisoner~~ an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If ~~a prisoner confined in~~ an inmate sentenced to a local ~~correctional~~ detention facility pursuant to a designated facility agreement or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the ~~department~~ local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the ~~institution~~ local detention facility during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the ~~prisoner~~ inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.”

SECTION 72. Section 24-13-150 of the 1976 Code is amended to read:

“Section 24-13-150. (A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, ~~a prisoner~~ an inmate convicted of a ‘no parole offense’ as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, is not eligible for early release, discharge, or community supervision as provided in Section 24-21-560, until the ~~prisoner~~ inmate has served at least eighty-five percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. Nothing in this

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section may be construed to allow ~~a prisoner~~ an inmate convicted of murder or ~~a prisoner~~ an inmate prohibited from participating in work release, early release, discharge, or community supervision by another provision of law to be eligible for work release, early release, discharge, or community supervision.

(B) If ~~a prisoner~~ an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in a facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If ~~a prisoner~~ an inmate ~~confined in~~ sentenced to a local correctional detention facility pursuant to a designated facility agreement or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility which is not under the direct control of the local detention facility, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the credit he has earned may be forfeited in the discretion of the local official having charge of the ~~prisoner~~ inmate. The decision to withhold credits is solely the responsibility of officials named in this subsection.”

SECTION 73. Section 24-13-210 of the 1976 Code is amended to read:

“Section 24-13-210. (A) ~~A prisoner~~ An inmate convicted of an offense against this State, except a ‘no parole offense’ as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more

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consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(B) ~~A prisoner~~ An inmate convicted of a 'no parole offense' against this State as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including ~~a prisoner an inmate~~ serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of three days for each month served. However, no ~~prisoner inmate~~ serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No ~~prisoner inmate~~ convicted of a 'no parole offense' is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

(C) ~~A prisoner~~ An inmate convicted of an offense against this State and sentenced to a local ~~correctional detention~~ facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed.

(D) If ~~a prisoner an inmate sentenced to the custody of the Department of Corrections and confined in a facility of the department, confined in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, or temporarily confined, held, detained, or placed in any facility which is not under the direct control of the department, to include an inmate on a labor crew or any other assigned detail or placement, or an inmate in transport status,~~ commits an offense or violates one of the rules of the ~~institution~~ facility during his term of imprisonment, all or part of the

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good conduct credit he has earned may be forfeited in the discretion of the Director of the Department of Corrections. If a ~~prisoner~~ an inmate confined in sentenced to a local ~~correctional~~ detention facility pursuant to a ~~designated facility agreement~~ or upon the public works of any county in this State, even when temporarily confined, held, detained, or placed in any facility that is not under the direct control of the local detention facility, to include a prisoner on a labor crew or any other assigned detail or placement, or a prisoner in transport status, commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the good conduct credit he has earned may be forfeited in the discretion of the local official having charge of the ~~prisoner inmate~~. The decision to withhold forfeited good conduct time is solely the responsibility of officials named in this subsection.

(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed ~~therefrom~~ for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24-21-560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24-21-560 prior to discharge from the criminal justice system.

(F) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole, and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560."

SECTION 74. Section 24-13-230 of the 1976 Code is amended to read:

"Section 24-13-230. (A) The Director of the Department of Corrections may allow ~~any prisoner in~~ an inmate sentenced to the custody of the department, except a ~~prisoner~~ an inmate convicted of a 'no parole offense' as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of zero to one day for every two days he is employed or enrolled. A maximum annual credit for both work credit and education credit is limited to one hundred eighty days.

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(B) The Director of the Department of Corrections may allow a ~~prisoner in an inmate sentenced to~~ the custody of the department serving a sentence for a 'no parole offense' as defined in Section 24-13-100, who is assigned to a productive duty assignment, including an inmate who is serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30 or who is regularly enrolled and actively participating in an academic, technical, or vocational training program, a reduction from the term of his sentence of six days for every month he is employed or enrolled. However, no prisoner serving a sentence for life imprisonment or a mandatory minimum term of imprisonment for thirty years pursuant to Section 16-3-20 is entitled to credits under this provision. No prisoner convicted of a "no parole offense" is entitled to a reduction below the minimum term of incarceration provided in Section 24-13-125 or 24-13-150. A maximum annual credit for both work credit and education credit is limited to seventy-two days.

(C) No credits earned pursuant to this section may be applied in a manner which would prevent full participation in the Department of Probation, Parole, and Pardon Services' prerelease or community supervision program as provided in Section 24-21-560.

(D) The amount of credit to be earned for each duty classification or enrollment must be determined by the director and published by him in a conspicuous place available to inmates at each correctional institution. If a prisoner commits an offense or violates one of the rules of the institution during his term of imprisonment, all or part of the work credit or education credit he has earned may be forfeited in the discretion of the ~~official having charge of the prisoner~~ Director of the Department of Corrections.

(E) The official in charge of a local detention ~~or correctional~~ facility ~~to which persons convicted of offenses against the State are sentenced shall~~ must allow ~~any an inmate serving such a sentence in~~ any an inmate sentenced to the custody of the facility who is assigned to a mandatory productive duty assignment a reduction from the term of his sentence of zero to one day for every two days so employed. The amount of credit to be earned for each duty classification must be determined by the official in charge of the local detention ~~or correctional~~ facility and published by him in a conspicuous place available to inmates.

(F)(1) An individual is ~~only~~ eligible for the educational credits provided for in this section; only upon successful participation in an academic, technical, or vocational training program.

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(2) The educational credit provided for in this section, is not available to any individual convicted of a violent crime as defined in Section 16-1-60.

(G) The South Carolina Department of Corrections may not pay any tuition for college courses.”

SECTION 75. Section 24-13-235 of the 1976 Code is amended to read:

“Section 24-13-235. Notwithstanding any other provision of law, the governing body of any county may authorize the sheriff or ~~other official~~ the chief administrative officer, or the equivalent, in charge of ~~county correctional facilities~~ a local detention facility to offer a voluntary program under which any person committed to such facility may perform labor on the public works or ways. The confinement of the person must be reduced by one day for every eight hours of labor on the public works or ways performed by the person. As used in this section, ‘labor on the public works or ways’ means manual labor to improve or maintain public facilities, including, but not limited to, streets, parks, and schools.

The governing body of the county may prescribe reasonable regulations under which ~~such~~ this labor is to be performed and may provide that ~~such~~ these persons wear clothing of a distinctive character while performing ~~such~~ this work.

Nothing contained in this section may be construed to require the sheriff or ~~other such~~ another official to assign labor to a person pursuant to this section if it appears from the record that the person has refused to perform labor as assigned satisfactorily or has not satisfactorily complied with the reasonable regulations governing ~~such~~ this assignment. A person is eligible for supervised work under this section only if the sheriff or other ~~such~~ responsible official concludes that the person is a fit subject ~~therefor~~.

If a court sentences a defendant to a period of confinement of fifteen days or more, the court may restrict or deny the defendant’s eligibility for the supervised work program.

The governing body of the county may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person in the program, according to the person’s ability to pay.”

SECTION 76. Section 24-13-260 of the 1976 Code is amended to read:

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“Section 24-13-260. ~~Any~~ An officer having charge of ~~any such~~ convict an inmate who ~~shall refuse~~ refuses to allow ~~such a~~ deduction in time of serving sentence ~~shall be~~ is guilty of a misdemeanor and ~~shall~~, upon conviction, ~~suffer imprisonment~~ must be imprisoned for not less than thirty days or pay a fine of not less than one hundred dollars.”

SECTION 77. Section 24-13-410 of the 1976 Code is amended to read:

“Section 24-13-410. (A) It is unlawful for a person, lawfully confined in a prison or upon the public works of a county local detention facility or while in the custody of ~~a superintendent, guard, or an officer; or another employee,~~ to escape, to attempt to escape, or to have in his possession tools, ~~or weapons, or other items that~~ which may be used to facilitate an escape.

(B) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not less than one year nor more than fifteen years.

(C) The term of imprisonment is consecutive to the original sentence and to other sentences previously imposed upon the escapee by a court of this State.”

SECTION 78. Section 24-13-420 of the 1976 Code is amended to read:

“Section 24-13-420. (A) It is unlawful for a person, lawfully confined in a prison, local detention facility, or under the supervision of an officer or other employee, whether awaiting trial or serving sentence, to escape, to attempt to escape, or to have in his possession tools, weapons, or other items that may be used to facilitate an escape.

(B) A person who knowingly harbors or employs an escaped ~~convict inmate;~~ is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.”

SECTION 79. Section 24-13-430 of the 1976 Code is amended to read:

“Section 24-13-430. ~~(1) Any~~ (A) An inmate of the Department of Corrections, ~~city or county jail, or public works of any county that~~ or of a local detention facility who conspires with ~~any other~~ another inmate to incite ~~such the~~ inmate to riot or commit any other acts of violence ~~shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be sentenced in the discretion of the court.

~~(2) Any~~ (B) An inmate of the Department of Corrections, ~~city or county jail, or public works of any county that~~ or of a local detention

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facility who participates in a riot or any other acts of violence ~~shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be imprisoned for not less than five years nor more than ten years.”

SECTION 80. Section 24-13-440 of the 1976 Code is amended to read:

“Section 24-13-440. It is unlawful for an inmate of a state correctional facility, ~~city or county jail, or public works of a county or~~ of a local detention facility to carry on his person or to have in his possession a dirk, slingshot, metal knuckles, razor, firearm, or ~~any other deadly weapon~~ an object, homemade or otherwise, ~~which usually is that~~ may be used for the infliction of personal injury upon another person, or to wilfully conceal any weapon within any Department of Corrections facility or other place of confinement.

A person violating this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years. A sentence imposed under this section must be served consecutively to any other sentence the inmate is serving.”

SECTION 81. Section 24-13-450 of the 1976 Code is amended to read:

“Section 24-13-450. An inmate of a state, ~~county, or city~~ correctional facility, a local detention facility, or a private entity that contracts with a state, county, or city to provide care and custody of inmates, including persons in safekeeper status, acting alone or in concert with others, who by threats, coercion, intimidation, or physical force takes, holds, decoys, or carries away any person as a hostage or for any other reason ~~whatsoever shall be deemed~~ is guilty of a felony and, upon conviction, ~~shall~~ must be imprisoned for a term of not less than five years nor more than thirty years. This sentence ~~shall~~ must not be served concurrently with any sentence being served at the time the offense is committed.”

SECTION 82. Section 24-13-460 of the 1976 Code is amended to read:

“Section 24-13-460. It ~~shall be~~ is unlawful for ~~any~~ a person in this State to furnish ~~any~~ a prisoner in a ~~jail or on a chain gang~~ local detention facility any alcoholic beverages or narcotic drugs, including prescription medications and controlled substances that have not been issued legally to the prisoner. ~~Anyone~~ A person violating the provisions of this section ~~shall be~~ is guilty of a misdemeanor and, upon conviction, ~~thereof shall~~ must be punished by a fine of five hundred dollars, or imprisonment for six months, or both.”

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SECTION 83. Section 24-13-470 of the 1976 Code is amended to read:

“Section 24-13-470. (A) An inmate, a detainee, a person taken into custody, or a person under arrest, who attempts to throw or throws body fluids including, but not limited to, urine, blood, feces, vomit, saliva, or semen on an employee of a state ~~or local~~ correctional facility or local detention facility, a state or local law enforcement officer, a visitor of a state correctional facility or local detention facility, or any other person authorized to be present in a state correctional facility or local detention facility in an official capacity is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. A sentence under this provision must be served consecutively to any other sentence the inmate is serving. This section shall not prohibit the prosecution of an inmate for a more serious offense if the inmate is determined to be HIV-positive or has another disease that may be transmitted through body fluids.

(B) A person accused of a crime contained in this section may be tested for a blood borne disease within seventy-two hours of the crime if a health care professional believes that exposure to the accused person’s body fluid may pose a significant health risk to a victim of the crime.

(C) This section does not apply to a person who is a “patient” as defined in Section 44-23-10(3).

~~—(D) For purposes of this section, “local correctional facility” includes, but is not limited to, a local detention facility.”~~

SECTION 84. Section 24-13-640 of the 1976 Code is amended to read:

“Section 24-13-640. Notwithstanding any other provision of law, any state or local prisoner who is not in the highest trusty grade and who is assigned to a work detail outside the confines of any state correctional facility ~~shall~~ or local detention facility must wear a statewide uniform. The uniform must be of such a design and color as to easily be identified as a prisoner’s uniform and stripes must be used in the design. The Department of Corrections Division of Prison Industries ~~shall~~ must manufacture the statewide uniform and make it available for sale to the local detention facilities. The ~~director~~ Director of the Department of Corrections may determine, in his discretion, that the provisions of this section do not apply to certain prisoners.”

SECTION 85. Section 24-13-660 of the 1976 Code is amended to read:

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“Section 24-13-660. (A) A criminal offender committed to incarceration anywhere in this State may be required by prison or jail officials to perform public service work or related activities while under the supervision of appropriate employees of a federal, state, county, or municipal agency, or of a regional governmental entity or special purpose district. Prison or jail officials shall make available each inmate who is assigned to the program for transportation to his place of work on all days when work is scheduled and shall receive each inmate back into confinement at the respective facility after work is concluded. This public service work is considered to be a contribution by the inmate toward the cost of his incarceration and does not entitle him to additional compensation.

(B) No offender may be allowed to participate in these public service work activities unless he first is properly classified and approved to be outside the prison or jail without armed escort.

(C) The public service work requirement in subsection (A) operates only when adequate supervision and accountability can be provided by the agency, entity, district, or organization which is responsible for the work or related activity. The types of public service work permitted to be performed include, but are not limited to, litter control, road and infrastructure repair, and emergency relief activities.

(D) The South Carolina Department of Corrections may enter into a contractual agreement with any federal, state, county, or municipal agency, or with any regional governmental entity or public service district, to provide public service work or related activities through the use of inmate labor under authorized circumstances and conditions. A county municipal, or multi-jurisdictional jail, detention facility, or prison camp also may provide public service work or related activities through the use of inmate labor in accordance with the Minimum Standards for Local Detention Facilities in South Carolina and with applicable statutes and ordinances.

(E) It is the policy of this State and its subdivisions to utilize criminal offenders for public service work or related activities whenever it is practical and is consistent with public safety. All eligible agencies, entities, districts, and organizations are encouraged to participate by using a labor force that can be adequately supervised and for which public service work or related activities are available.

(F) Nothing in this section may be construed to prohibit or otherwise to limit the use of inmate labor by the South Carolina Department of Corrections within its own facilities or on its own

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property, or by any ~~jail or camp~~ local governing body within its own facilities or on its own property. Further, nothing in this section prevents the South Carolina Department of Corrections or a local detention facility from escorting and supervising any inmate for a public purpose when the department or the local detention facility provides its own security.”

SECTION 86. Section 24-13-910 of the 1976 Code is amended to read:

“Section 24-13-910. Beginning January 1, 1988, local governing bodies may establish regulations consistent with regulations of the Department of Corrections, and administer a program under which a person convicted of an offense against this State or other local jurisdiction and confined in a local ~~correctional~~ facilities detention facility, or punished for contempt of court in violation of Section 20-7-1350 and confined in a local ~~correctional~~ detention facility may, upon sentencing, and while continuing to be confined in the facility at all times other than when the prisoner is either seeking employment, working, attending his education, or traveling to or from the work or education location, be allowed to seek work and to work at paid employment in the community, be assigned to public works employment, or continue his education. Each governing body shall designate the sheriff, ~~or another official~~ the chief administrative officer, or the equivalent, as the official in charge. A person sentenced under these provisions is eligible for programs under this article except that a person punished for a violation of Section 20-7-1350 is eligible for these programs only upon a finding by the sentencing judge that he is eligible.”

SECTION 87. Section 24-13-915 of the 1976 Code is amended to read:

“Section 24-13-915. Wherever in the Code of Laws of South Carolina, 1976, ~~as amended~~, a reference is made to a local ~~correctional detention~~ facility, it ~~shall mean~~ means a county, ~~or~~ municipal, ~~correctional or multi-jurisdictional detention~~ facility.”

SECTION 88. Section 24-13-940 of the 1976 Code is amended to read:

“Section 24-13-940. The official administering the work/punishment program may contract with the South Carolina Department of Corrections or with other governmental bodies to allow inmates committed to serve sentences in the custody of the department or in other local ~~correctional~~ detention facilities to participate in the

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program and be confined in the local ~~correctional institution~~ detention facility of the receiving official.”

SECTION 89. Section 24-13-1540 of the 1976 Code is amended to read:

“Section 24-13-1540. If a department desires to implement a home detention program, it must promulgate regulations that prescribe reasonable guidelines under which a home detention program may operate. These regulations must require that the participant remain within the interior premises or within the property boundaries of his residence at all times during the hours designated by the department. Approved absences from the home for a participant may include:

(1) hours in employment approved by the department or traveling to or from approved employment;

(2) time seeking employment approved for the participant by the department;

(3) medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the department;

(4) attendance at an educational institution or a program approved for the participant by the department;

(5) attendance at a regularly scheduled religious service at a place of worship approved by the department; or

(6) participation in a community work ~~release~~ punishment or community service program approved by the department.”

SECTION 90. Section 16-7-140 of the 1976 Code is amended to read:

“Section 16-7-140. ~~Any~~ A person who violates any provision of Sections 16-7-110 and 16-7-120 ~~shall be~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be punished by a fine of not more than five hundred dollars or by imprisonment ~~in the county jail~~ for a period not to exceed twelve months.”

SECTION 91. Section 20-7-1350 of the 1976 Code, as last amended by Act 550 of 1990, is further amended to read:

“Section 20-7-1350. An adult who wilfully violates, neglects, or refuses to obey or perform a lawful order of the court, or who violates any provision of this chapter, may be proceeded against for contempt of court. An adult found in contempt of court may be punished by a fine, by a public ~~work~~ works sentence, or by imprisonment in a local ~~correctional~~ detention facility, or by any combination of them, in the discretion of the court, but not to exceed imprisonment in a local

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~~correctional detention~~ facility for one year, a fine of fifteen hundred dollars, or public ~~work~~ works sentence of more than three hundred hours, or any combination of them. An adult sentenced to a term of imprisonment under this section may earn good time credits pursuant to Section 24-13-210 and work credits pursuant to Section 24-13-230 and may participate in a work/punishment program pursuant to Section 24-13-910 ~~unless his participation in any of these programs is prohibited by order of the sentencing judge.~~

SECTION 92. Sections 24-3-150, 24-3-200, 24-5-30, 24-5-70, 24-5-100, 24-5-140, 24-5-150, 24-5-160, 24-7-70, 24-7-80, 24-7-130, 24-7-140, and 24-7-150 are repealed.

SECTION 93. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 94. Chapter 5, Title 24 of the 1976 Code is amended by adding:

“Article 2

Local Detention Facility Mutual Aid and Assistance Act

Section 24-5-200. This article may be cited as the ‘Local Detention Facility Mutual Aid and Assistance Act’.

Section 24-5-210. (A) For purposes of this article, ‘local detention facility’ means a municipal, county, or multi-jurisdictional jail, prison camp, or overnight lockup used for the detention of persons charged with or convicted of a felony, misdemeanor, local ordinance, or violation of a court order.

(B) There is a need for the safe and secure housing of inmates, and there may be situations where inmates need to be temporarily housed in other local detention facilities in order to maintain the public peace, safety, and welfare. Therefore, local detention facilities of this State are authorized to enter into mutual aid and assistance agreements with other local detention facilities as may be necessary.

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(C) The facility manager, with the approval and consent of the local governing body, may provide this assistance while acting in accordance with the policies, ordinances, and procedures set forth by the governing body of the providing local detention facility. If sufficient resources are not available within the several counties, officials responsible for the requesting local detention facility may seek assistance of the South Carolina Department of Corrections and its resources until the emergency has passed.

Section 24-5-220. (A) Mutual aid and assistance agreements may include, but are not limited to, the following:

- (1) statement of the services to be provided;
- (2) arrangements for the use of equipment and facilities;
- (3) records to be maintained on behalf of the receiving local detention facility;
- (4) authority of the providing facility manager to maintain control over the receiving local detention facility's inmates or other personnel;
- (5) terms of financial agreements between the parties;
- (6) duration, modification, and termination of the agreement; and
- (7) legal contingencies for any lawsuits or the payment of damages that arise from the provided services.

(B) Nothing in this article requires a local detention facility to have a written mutual aid and assistance agreement, nor does it preclude mutual aid to take place absent a written agreement in the case of an emergency.

Section 24-5-230. (A) The provisions of this article shall not conflict with any existing mutual aid and assistance agreements or contracts between local detention facilities.

(B) Nothing in this article may be construed to alter, amend, or affect any rights, duties, or responsibilities of law enforcement authorities established by the Constitution or laws of this State, or by ordinance of local governing bodies, except as expressly provided for in this chapter."

SECTION 95. Section 24-21-560(D) of the 1976 Code is amended to read:

"(D) If a prisoner's community supervision is revoked by the court and the court imposes a period of incarceration for the revocation, the prisoner also must complete a community supervision program of up to two years as determined by the department pursuant to subsection (B) when he is released from incarceration.

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A prisoner who is sentenced for successive revocations of the community supervision program may be required to serve terms of incarceration for successive revocations, as provided in Section 24-21-560(C), and may be required to serve additional periods of community supervision for successive revocations, as provided in Section 24-21-560(D). ~~The maximum aggregate amount of time the prisoner may be required to serve when sentenced for successive revocations may not exceed an amount of time equal to the length of incarceration imposed for the original “no parole offense”.~~ The maximum aggregate amount of time a prisoner may be required to serve when sentenced for successive revocations may not exceed an amount of time equal to the length of incarceration imposed limited by the amount of time remaining on the original ‘no parole offense’. The prisoner must not be incarcerated for a period longer than the original sentence. The original term of incarceration does not include any portion of a suspended sentence.

If a prisoner’s community supervision is revoked due to a conviction for another offense, the prisoner must complete a community supervision program of up to two continuous years as determined by the department after the prisoner has completed the service of the sentence for the community supervision revocation and any other term of imprisonment which may have been imposed for the criminal offense, except when the subsequent sentence is death or life imprisonment.”

SECTION 96. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 97. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the committee amendment.

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The committee amendment was adopted.

Senators SCOTT, ANDERSON, FAIR proposed the following amendment (SWB\5797CM09), which was adopted:

Amend the bill as and if amended, Section 24-13-80 as contained in SECTION 70 by striking SECTION 70 in its entirety and inserting:

/ SECTION 70. Section 24-13-80 of the 1976 Code is amended to read:

“Section 24-13-80. (A) As used in this section:

(1) ‘Detention facility’ means a municipal or county jail, a local detention facility, or a state correctional facility used for the detention of persons charged with or convicted of a felony, misdemeanor, municipal offense, or violation of a court order.

(2) ‘Inmate’ means a person who is detained in a detention facility by reason of being charged with or convicted of a felony, a misdemeanor, a municipal offense, or violation of a court order.

(3) ‘Medical treatment’ means each visit initiated by the inmate to an institutional physician, physician’s extender including a physician’s assistant or a nurse practitioner, dentist, optometrist, or psychiatrist for examination or treatment.

(4) ‘Administrator’ means the county administrator, city administrator, or the chief administrative officer of a county or municipality.

(5) ‘Director’ means the agency head of the Department of Corrections.

(B) The administrator or director, whichever is appropriate, may establish, by rules, criteria for a reasonable deduction from money credited to the account of an inmate to:

(1) repay the costs of:

(a) public property wilfully damaged or destroyed by the inmate during his incarceration;

(b) medical treatment for injuries inflicted by the inmate upon himself or others;

(c) searching for and apprehending the inmate when he escapes or attempts to escape. The costs must be limited to those extraordinary costs incurred as a consequence of the escape; or

(d) quelling a riot or other disturbance in which the inmate is unlawfully involved;

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(2) defray the costs paid by a municipality or county for ~~elective~~ medical ~~treatment~~ services for an inmate, which ~~has~~ have been requested by ~~him~~ the inmate, if the deduction does not exceed five dollars for each occurrence of treatment received by the inmate ~~at the inmate's request~~. If the balance in an inmate's account is ~~five less than ten dollars or less~~, the fee must not be charged. However, a deficiency balance must be carried forward, and, upon a deposit or credit being made to the inmate's account, any outstanding balance may be deducted from the account. This deficiency balance may be carried forward after release of the inmate and may be applied to the inmate's account in the event of subsequent arrests and incarcerations. This item does not apply to medical costs incurred as a result of injuries sustained by an inmate or other medically necessary treatment for which that inmate is determined not to be responsible.

(C) All sums collected for medical treatment must be reimbursed to the inmate, upon the inmate's request, if the inmate is acquitted or otherwise exonerated of all charges for which the inmate was being held.

(D) The detention facility may initiate an action for collection of recovery of medical costs incurred pursuant to this section against an inmate upon his release or his estate if the inmate was executed or died while in the custody of the detention facility.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 296 -- Senators Leventis and Hayes: A BILL TO AMEND ARTICLE 4, CHAPTER 56, TITLE 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS TO, AMONG OTHER THINGS, FURTHER SPECIFY THAT WHOLESALE DRYCLEANING FACILITIES ARE SUBJECT TO THE

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PROVISIONS OF THIS ARTICLE AND ARE ELIGIBLE TO SEEK RESTORATION ASSISTANCE UNDER THIS ARTICLE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO USE FUNDS, OTHER THAN FUNDS FROM THE DRYCLEANING FACILITY RESTORATION TRUST FUND, IF AN EMERGENCY EXISTS AND FUNDS ARE NOT AVAILABLE FROM THE TRUST FUND AND TO FURTHER PROVIDE THAT THESE FUNDS MUST BE REPAID FROM THE TRUST FUND; TO PROVIDE EXEMPTIONS FROM THE ENVIRONMENTAL SURCHARGE IMPOSED ON THE GROSS PROCEEDS OF SALES OF RETAIL DRYCLEANING FACILITIES, INCLUDING AN EXEMPTION FOR WHOLESALE SALES OF DRYCLEANING SERVICES; TO FURTHER PROVIDE FOR ELIGIBILITY REQUIREMENTS AND DETERMINATIONS AND PROCEDURES FOR REQUESTING AND ISSUING RESTORATION ASSISTANCE, INCLUDING OBTAINING SECONDARY ASSESSMENTS AND THE AMOUNT OF DEDUCTIBLES; TO PROVIDE INITIAL AND ANNUAL REGISTRATION FEES FOR DRYCLEANING FACILITIES ESTABLISHED AFTER OCTOBER 1, 1995, AND TO AUTHORIZE THE PROPERTY OWNER TO REGISTER A FACILITY IF THE OWNER OR OPERATOR OF THE FACILITY DOES NOT; TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION, TO REQUIRE PRESENTATION OF SUCH CERTIFICATES IN ORDER TO PURCHASE DRYCLEANING SOLVENTS, TO PROHIBIT A SUPPLY FACILITY, OR OTHER DRYCLEANING FACILITY, FROM SELLING DRYCLEANING SOLVENT TO A DRYCLEANING FACILITY IF THE FACILITY DOES NOT POSSESS A CERTIFICATE, AND TO PROVIDE CIVIL PENALTIES; TO SPECIFY REQUIREMENTS FOR A DRYCLEANING FACILITY EXEMPTION CERTIFICATE; AND TO REVISE THE MEMBERSHIP OF THE DRYCLEANING ADVISORY COUNCIL.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

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The Committee on Medical Affairs proposed the following amendment (S-296), which was adopted:

Amend the bill as and if amended, page 11, by striking lines 9-25 and inserting:

/ (E) If the facility started operation before ~~six months after the effective date of this act~~ November 24, 2004, and an eligible drycleaning or wholesale owner or operator or ~~person~~ property owner applies for monies from the fund ~~on or before~~:

(1) ~~eighteen months after the effective date of this act on for~~ before November 24, 2005, the deductible is one thousand dollars;

(2) ~~thirty months after the effective date of this act after~~ November 24, 2005, the deductible is twenty-five thousand dollars.

An eligible drycleaning or wholesale supply facility that has applied for monies from the fund ~~prior to the effective date of this paragraph~~ before May 24, 2004, shall have a deductible of one thousand dollars regardless of any deductible previously assigned to the facility based on its application date or type of site. Any approved assessment or remedial costs in excess of one thousand dollars previously incurred by the owner, operator, or ~~person shall~~ property owner shall be refunded, without interest, to such party by the department. /

Amend the bill further, page 23, by striking lines 35-43 and inserting:

/ (C) Notwithstanding subsections (A) and (B) of this section, if a ~~person~~ property owner or an owner or operator of a drycleaning facility in existence on July 1, 1995, has made an election not to place a facility under the provisions of this article as allowed in subsection (A) or (B) ~~above~~, then the ~~person, owner, or operator~~ property owner or an owner or operator of a drycleaning facility may affirmatively and irrevocably elect to place the drycleaning facility under the provisions of this article. This election must be made by registering with the Department of Revenue on or before July 1, 2005, and paying the fees and taxes provided ~~under~~ pursuant to /

Amend the bill further, page 24, by striking lines 10-37 and inserting:

/ (D) Notwithstanding any other provision of this article, any ~~person~~ property owner or owner or operator of a drycleaning facility that has not registered with the Department of Revenue and complied with the provisions of this article may voluntarily register with the Department of Revenue on or before July 1, 2005, without incurring any penalties or interest. Payment of all taxes and fees due pursuant to

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this article is required to be made from the later of July 1, 1995, or the date the drycleaning facility began operating. A ~~person~~ property owner or owner or operator of a drycleaning facility that does not voluntarily register under this ~~provision~~ subsection is subject to interest, penalties, and payment of all taxes and fees from the later of July 1, 1995, or the date the drycleaning facility began operating. No fees ~~will~~ may be prorated or refunded for a business in operation for less than twelve months.

(E) Notwithstanding any other provisions in this article, the department may direct the Department of Revenue to allow a ~~person~~ property owner or owner or operator of a drycleaning facility, who elected not to place the facility under this article pursuant to subsection (A) or (B) of this section to register, provided the department finds that the ~~person~~ property owner or owner or operator of the drycleaning facility requesting to register did not have notice of this article for more than ninety days prior to requesting registration. The ~~person~~ property owner or owner or operator of a drycleaning facility registering pursuant to this subsection is liable for payment of all taxes or fees, including interest, from the later of July 1, 1995, or the date the drycleaning facility began operating; however, the registering ~~person, owner, or operator~~ property owner or owner or operator of a drycleaning facility is not liable for penalties. No fees ~~will~~ may be prorated or refunded for a business in operation for less than twelve months. /

Amend the bill further, page 25, by striking lines 16-43 and inserting:

/ Section 44-56-495. (A) There is created the Drycleaning Advisory Council to advise the Department of Health and Environmental Control on matters relating to regulations and standards which affect drycleaning and related industries.

(B) The council is composed of the following members:

(1) ~~five~~ eight representatives of the drycleaning industry who are participating in this article;

(2) one representative of the wholesale industry;

(3) one representative of the ~~real estate industry~~ drycleaners who have a Drycleaning Exemption Certificate issued by the Department of Revenue;

(4) ~~one environmental engineer~~;

(5) ~~one representative of the banking industry~~;

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~~(6) two representatives~~ one representative from the Department of Health and Environmental Control, ~~one of whom~~ who must be an administrator ~~and one of whom must represent water quality control;~~

~~(7) a representative of the Department of Revenue;~~

~~(8) a representative of the Department of Insurance;~~

~~(9) a representative of the State Budget and Control Board;~~

~~(10) a representative of the Department of Natural Resources, Division of Water Resources.~~

(C) Members enumerated in ~~subsection~~ subsections (B)(1) through ~~(5)~~ (B)(3) ~~may~~ shall be appointed by the Governor ~~with the advice and consent of the Senate~~ Board of the Department of Health and Environmental Control and shall serve terms of two years and until their successors are appointed ~~and qualify. The members enumerated in subsection (B)(6) through (10) must be appointed~~ /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 407 -- Senators Hayes, Cleary and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 43, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DONATION OF HUMAN BODIES, PARTS OF THE HUMAN BODY AND HUMAN TISSUE, SO AS TO CONFORM CROSS REFERENCES TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, TO DELETE THE PROVISION STATING THAT A DONOR DESIGNATION ON A DRIVER'S LICENSE DOES NOT CONSTITUTE A GIFT UNDER THE UNIFORM ANATOMICAL GIFT ACT; TO AMEND ARTICLE 5, CHAPTER 43, TITLE 44, RELATING TO THE UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE ACT NAME TO THE REVISED UNIFORM ANATOMICAL GIFT ACT, AND, AMONG OTHER THINGS, TO REVISE DEFINITIONS, DONOR ELIGIBILITY, DONATION

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AMENDMENT AND REVOCATION PROCEDURES, THE PRIORITY ORDER TO GIVE CONSENT, SUBSTITUTE DONOR PROCEDURES, DONEE QUALIFICATIONS, AND ALTERNATIVE DONEE PROCEDURES; TO ESTABLISH PROCEDURES FOR REFUSAL TO MAKE AN ANATOMICAL GIFT; TO REQUIRE CERTAIN LAW ENFORCEMENT, HOSPITAL PERSONNEL, AND ORGAN PROCUREMENT ORGANIZATIONS TO MAKE REASONABLE SEARCHES FOR DONOR INFORMATION AND DONOR REFUSAL INFORMATION; TO PROVIDE THAT A PHYSICIAN WHO ATTENDED A PERSON AT DEATH OR WHO DETERMINES THE TIME OF DEATH MAY NOT PARTICIPATE IN REMOVAL OR TRANSPLANTATION PROCEDURES; TO ESTABLISH CRIMINAL PENALTIES FOR SELLING OR PURCHASING ORGANS AND FOR OBTAINING FINANCIAL GAIN BY FALSIFYING OR DEFACING A DONATION DOCUMENT; TO ESTABLISH CRITERIA FOR THE VALIDITY OF AN ORGAN DONATION; TO ESTABLISH PROCEDURES TO RESOLVE ISSUES WHEN CERTAIN CONFLICTS EXIST BETWEEN A DECLARATION OF A ORGAN DONATION AND THE MEDICAL SUITABILITY OF THE ORGAN DONATION; TO REQUIRE CORONERS TO COOPERATE WITH PROCUREMENT ORGANIZATIONS TO MAXIMIZE THE OPPORTUNITY TO RECOVER ANATOMICAL GIFTS; AND TO AMEND ARTICLE 11, CHAPTER 43, TITLE 44, RELATING TO HOSPITAL POLICY AND PROTOCOL FOR ORGAN AND TISSUE DONATION, SO AS TO REVISE DEFINITIONS AND PROCEDURES FOR CONTACTING PERSONS AUTHORIZED TO CONSENT TO ORGAN DONATION.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (407R003.HSP), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 15-18 and inserting:

/ (4) 'Decedent' means a deceased individual whose body or part is or may be the source of an anatomical gift. /

Amend the bill further, as and if amended, page 11, by striking lines 1-25 and inserting:

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/ (27) 'Sign' means, with the present intent to authenticate or adopt a record:

(a) to execute or adopt a tangible symbol; or

(b) to attach to or logically associate with the record an electronic symbol, sound, or process.

(28) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(29) 'Technician' means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(30) 'Tissue' means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(31) 'Tissue bank' means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(32) 'Transplant hospital' means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients. /

Amend the bill further, as and if amended, page 18, by striking lines 22-39 and inserting:

/ Section 44-43-355. (A) A person who finds or is in possession of a document of gift or of refusal that was executed by an individual who the person reasonably believes is dead or near death shall, if the individual is taken to a hospital, send the document of gift or refusal to the hospital.

(B) A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions. /

Amend the bill further, as and if amended, page 19, by striking lines 9-15 and inserting:

/ Section 44-43-365. (A) When a hospital refers an individual at or near death to a procurement organization, the organization shall cause a reasonable search to be made of the records of the South Carolina Organ and Tissue Donor Registry to ascertain whether the individual has made an anatomical gift. /

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Amend the bill further, as and if amended, page 21, by striking lines 11-12 and inserting:

/ provable malpractice on the part of a physician, surgeon, or technician. /

Amend the bill further, as and if amended, page 22, by striking lines 29-38 and inserting:

/ (B) A part may not be removed from the body of a decedent
/

Amend the bill further, as and if amended, page 23, by striking line 42.

Amend the bill further, as and if amended, page 24, by striking lines 1-14 and inserting:

/ the forensic pathologist and the procurement organization about the proposed recovery. After consultation, the coroner may allow the recovery.

(F) If the coroner or designee allows recovery of a part under /

Amend the bill further, as and if amended page 26, by striking line 25 and inserting:

/ examiner shall should refer to the designated organ and tissue /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 483 -- Senators Rankin, Cleary, McGill and Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS

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SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

Point of Order Withdrawn

The Point of Order raised by Senator McCONNELL on Tuesday, March 17, 2009, that the Bill was out of order inasmuch as it was a revenue-raising measure and, as such, should originate in the House of Representatives, was taken up for consideration.

On motion of Senator RANKIN, with unanimous consent, the Point of Order was withdrawn.

The Committee on Finance proposed the following amendment (483FIN001), which was adopted:

Amend the bill, as and if amended, page 3, by adding after line 37:

/ (F) The gross proceeds of sales of tangible personal property delivered after the imposition date of the fee levied under this article in a county, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the fee provided in this article if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the fee provided for in this article.

(G) Notwithstanding the imposition date of the fee authorized pursuant to this article, with respect to services that are billed regularly on a monthly basis, the fee authorized pursuant to this article is imposed beginning on the first day of the billing period beginning on or after the imposition date. /

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Amend the bill further, as and if amended, pages 3-5, by striking Sections 4-10-960 and 4-10-970 in their entirety and inserting:

/ Section 4-10-960. The Department of Revenue shall furnish data to the State Treasurer and to the county and municipal treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to counties and municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 4-10-970. (A)(1) Except as provided in item (2) of this subsection, all revenues of the fee must be used exclusively for tourism advertisement and promotion directed at non-South Carolina residents.

(2) Revenues received in the fourth year of imposition must be used as provided in item (1) except that up to ten percent may be used for property tax rollbacks or tourism-related capital projects, or a combination of these purposes. After year four, the ten percent use allowed pursuant to this item may be increased to twenty percent. No capital project is eligible to be funded directly or indirectly with fee revenues unless the project consists of construction of new or renovation of existing tourism-related facilities intended to grow or maintain the overnight tourism market in the county or city.

(3) The additional uses of fee revenue allowed pursuant to item (2) of this subsection are allowed only by ordinance enacted by a recorded vote of at least a two-thirds majority of the members of the governing body.

(B) The county or municipality shall designate one or more organizations within the county area to receive the revenues and conduct the promotional activities provided pursuant to subsection (A)(1). This organization must be a nonprofit destination marketing organization representing a broad cross-section of tourism interests within the county or municipality imposing the fee. In addition, before an organization may be designated, it must certify to the imposing county or municipality that:

(1) its promotional and advertising programs are based on research based outcomes;

(2) the organization has a proven record of success in creating new and repeat visitation to the county or municipality imposing the fee;

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(3) it has sufficient resources to create, plan, implement, and measure the marketing program generated by the fee revenues;

(4) it will use the funds only for the purposes provided pursuant to subsection (B)(1) of this section.” /

Renumber sections to conform.

Amend title to conform.

Senator O'DELL explained the committee amendment.

The committee amendment was adopted.

Senators RANKIN, CLEARY, MCGILL and ELLIOTT proposed the following amendment (483R003.LAR), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 10, Title 4 of the 1976 Code is amended by adding:

“Article 9

Local Option Tourism Development Fee

Section 4-10-910. This article may be cited as the ‘Local Option Tourism Development Fee Act’.

Section 4-10-920. For purposes of this article:

(1) ‘County’ means a county in which revenues of the state accommodations tax imposed pursuant to Section 12-36-920 have aggregated at least fourteen million dollars in a fiscal year.

(2) ‘Fee’ means the local option tourism development fee allowed to be imposed as provided in this article.

(3) ‘Municipality’ means a municipal corporation created pursuant to Chapter 1, Title 5 or a municipal government as the use of the term dictates, located in a county as defined by subsection (1).

Section 4-10-930. (A) Subject to the requirements of this article, a municipality may impose in the municipality a fee not to exceed one percent for not more than ten years for the purposes provided in Section 4-10-970 by:

(1) an ordinance adopted by a supermajority of the municipal council which must be at least two-thirds of the members of a municipal council; or

(2) the approval of a majority of qualified electors voting in a referendum held pursuant to this section called by a majority of the members of the municipal council.

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(B)(1) Upon the adoption of a resolution calling for a referendum by the municipal council, the municipal election commission in each municipality shall conduct a referendum on the first Tuesday ninety days after of the adoption of the resolution on the question of implementing the fee within the municipality. The state election laws apply to the referendum mutatis mutandis. The municipal election commission shall publish the results of the referendum and certify them to the municipal council. The fee must not be imposed in the municipality, unless a majority of the qualified electors voting in the referendum approve the question.

(2) The ballot must read substantially as follows:

‘Must a one percent fee on the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12, but not the gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, be levied in _____ for the purpose of tourism advertisement and promotion directed at non-South Carolina residents?’

Yes ☐

No ☐

(3) If the question is not approved at the initial referendum, the municipal council may call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty-four month period on the Tuesday following the first Monday in November in even numbered years.

(4) Two weeks before the referendum, the municipal council shall publish in a newspaper of general circulation within the jurisdiction a description of and the uses for the fee.

(C)(1) Upon the adoption of a resolution calling for a referendum to rescind the fee by the municipal council, the municipal election commission shall conduct a referendum in the same manner provided in subsection (B) on the question of rescinding the fee imposed by this section. The state election laws apply to the referendum mutatis mutandis. The municipal election commission shall publish the results of the referendum and certify them to the municipal council. The fee must be rescinded in the municipality upon the certification of the results if a majority of the qualified electors voting in the referendum vote in favor of rescinding the fee.

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(2) The ballot must read substantially as follows:

‘Must the one percent local fee levied in _____ pursuant to Section 4-10-930 of the 1976 Code be rescinded?’

Yes ☐

No ☐

(3) A referendum for rescission of this fee may not be held earlier than two years after the fee has been levied in the municipality. If a majority of the qualified electors voting in the rescission referendum vote against rescinding the fee, no further rescission referendums may be held for a period of twenty-four months on the first Tuesday following the first Monday in November of even numbered years. If a majority of the qualified electors vote in favor of rescinding the tax, the fee may not be reimposed in the municipality for a period of two years.

(D) The imposition date of the fee allowed pursuant to this article is the first day of the first month beginning more than sixty days after the municipality files a certified copy of the imposition ordinance or the certification of the results of the referendum with the South Carolina Department of Revenue.

(E) Once a certified copy of the ordinance or referendum results is filed with the Department of Revenue, for the period of imposition provided in that ordinance or referendum, the department may not accept as filed any additional ordinance or referendum results from the municipality that in any way relates to the fee allowed to be imposed pursuant to this chapter except an ordinance or the referendum results reducing or repealing the existing fee. The department shall accept for filing a certified copy of an ordinance or referendum results reducing or repealing the fee and that reduction or repeal applies in the manner provided in Section 4-10-930(D) for imposition.

Section 4-10-940. (A) The fee allowed by this article is an amount not to exceed one percent of the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12.

(B) The fee imposed pursuant to this article must be administered and collected by the Department of Revenue in the same manner that sales and use taxes are collected. The department may prescribe amounts that may be added to the sales price because of the fee.

(C) The fee authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title

12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 and the gross proceeds of sales of unprepared food that lawfully may be purchased with United State Department of Agriculture food coupons are exempt from the fee imposed by this article. The fee imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(D) The provisions of subsections (C), (D), (E), (F), and (G) of Section 4-10-350 apply for fee payors and the fee allowed to be imposed pursuant to this article, including further identification of point of sale jurisdictions, *mutatis mutandis*.

(E) The revenues of the fee imposed pursuant to this article must be remitted to the Department of Revenue and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly based on point of collection to the treasurer of the municipality in which the fee is imposed and the revenues must be used only for the purposes provided in Section 4-10-970. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of municipal code errors must be corrected prospectively.

Section 4-10-960. The Department of Revenue shall furnish data to the State Treasurer and to the municipal treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 4-10-970. (A)(1) Except as provided in item (2) of this subsection, all revenues and interest of the fee must be used exclusively for tourism advertisement and promotion directed at non-South Carolina residents.

(2) Revenues received in the third and subsequent years of imposition must be used as provided in item (1) except that up to

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twenty percent may be used for property tax rollbacks on owner-occupied real property or tourism-related capital projects, or a combination of these purposes, but no less than twenty percent of these funds must be used for property tax rollback on owner occupied property. No capital project is eligible to be funded directly or indirectly with fee revenues unless the project consists of construction of new or renovation of existing tourism-related facilities intended to grow or maintain the overnight tourism market in the city.

(B) The municipality shall designate no more than two organizations within the municipality to receive the revenues and interest and conduct the promotional activities provided pursuant to subsection (A)(1). These organizations must be nonprofit destination marketing organizations representing a broad cross-section of tourism interests within the municipality imposing the fee. In addition, before an organization may be designated, it must certify to the imposing municipality that:

- (1) its promotional and advertising programs are based on research based outcomes;
- (2) the organization has a proven record of success in creating new and repeat visitation to the municipality imposing the fee;
- (3) it has sufficient resources to create, plan, implement, and measure the marketing program generated by the fee revenues;
- (4) it will use the funds only for the purposes provided pursuant to subsection (B)(1) of this section.

(C) The accommodations tax committee established pursuant to Section 6-4-25 for the jurisdiction imposing the fee allowed by this article shall:

- (1) exercise oversight of the expenditures by the organization designated pursuant to subsection (B) of this section;
- (2) submit an annual report of its oversight of these expenditures to the governing body of the municipality in which the fee is imposed.”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 12

AYES

Alexander	Cleary	Cromer
Elliott	Fair	Ford
Hayes	Hutto	Jackson
Knotts	Leatherman	Lourie
Malloy	<i>Martin, L.</i>	Matthews
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese
Ryberg	Scott	Setzler
Sheheen		

Total--25

NAYS

Bright	Bryant	Campbell
Campsen	Grooms	<i>Martin, S.</i>
Massey	McConnell	Rose
Shoopman	Thomas	Verdin

Total--12

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 486 -- Senators Peeler, Alexander and Rose: A BILL TO AMEND SECTION 44-20-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 44-20-220, RELATING TO THE PROMULGATION OF REGULATIONS BY THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION REQUIRING THE COMMISSION TO CONSULT WITH THE ADVISORY COMMITTEE OF THE DIVISION TO WHICH THE

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REGULATIONS APPLY; TO AMEND SECTION 44-20-230, RELATING TO THE RESPONSIBILITIES OF THE DIRECTOR OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION AUTHORIZING THE DIRECTOR TO APPOINT AND REMOVE EMPLOYEES OF THE DEPARTMENT; TO AMEND SECTION 44-20-240, RELATING TO THE CREATION AND RESPONSIBILITIES OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE THE PROVISION TRANSFERRING THE RESPONSIBILITY FOR AUTISTIC SERVICES FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND SECTION 44-20-350, RELATING TO AUTHORIZING THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS TO ESTABLISH CHARGES FOR SERVICES IN REGULATION, SO AS TO REQUIRE THESE CHARGES TO BE ESTABLISHED IN REGULATION; TO AMEND SECTION 44-20-430, RELATING TO THE DIRECTOR CARRYING OUT CERTAIN RESPONSIBILITIES SUBJECT TO POLICIES ADOPTED BY THE COMMISSION, SO AS TO PROVIDE THAT CARRYING OUT THESE RESPONSIBILITIES IS SUBJECT TO REGULATIONS PROMULGATED BY THE DEPARTMENT; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO FACILITIES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND FACILITIES THAT ARE EXEMPT FROM SUCH LICENSURE, SO AS TO REQUIRE LICENSURE FOR COMMUNITY-BASED HOUSING AND DAY PROGRAMS OPERATED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS AND TO REMOVE COMMUNITY-BASED HOUSING SPONSORED, LICENSED, OR CERTIFIED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FROM THOSE FACILITIES THAT ARE EXEMPT FROM LICENSURE; TO AMEND ARTICLE 23, CHAPTER 7, TITLE 44, RELATING TO CRIMINAL RECORDS CHECKS OF DIRECT CARE STAFF, SO AS TO FURTHER SPECIFY THE CRIMINAL RECORDS CHECKS THAT MUST BE CONDUCTED ON DIRECT CARE STAFF, TO PROVIDE THAT A DIRECT CARE ENTITY INCLUDES A DAY PROGRAM OPERATED BY THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS,

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TO DELETE PROVISIONS REQUIRING DIRECT CAREGIVERS TO VERIFY RESIDENCY FOR THE TWELVE MONTHS PRECEDING APPLYING FOR EMPLOYMENT, TO DELETE PROVISIONS AUTHORIZING PRIVATE BUSINESSES, ORGANIZATIONS, OR ASSOCIATIONS TO CONDUCT CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED BY THIS ARTICLE, AND TO DELETE PROVISIONS RELATING TO CERTAIN FINGERPRINT FORMS AND PROCEDURES; AND TO REPEAL SECTION 44-20-225 RELATING TO CONSUMER ADVISORY BOARDS FOR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS' MENTAL RETARDATION, AUTISM, AND HEAD AND SPINAL CORD INJURY DIVISIONS AND ARTICLE 5, CHAPTER 20, TITLE 44 RELATING TO THE LICENSURE AND REGULATION OF FACILITIES AND PROGRAMS BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (S-486 DSS AMENDMENT), which was adopted:

Amend the bill as and if amended, page 5, by striking lines 21-23 and inserting:

/ (14) community-based housing operated or contracted for operation by the South Carolina Department of Disabilities and Special Needs. Community-based housing operated or contracted for operation by the South Carolina Department of Disabilities and Special Needs that serves children shall be licensed under this article rather than Article 1, Chapter 11 of Title 63; /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Courson	Cromer
Davis	Elliott	Fair
Grooms	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	Peeler
Pinckney	Rankin	Reese
Rose	Ryberg	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	

Total--38

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED,
AMENDMENT PROPOSED, OBJECTION**

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb-Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT

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RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TETRA TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Finance.

Amendment No. P-1A

Senator SHEHEEN proposed the following Amendment No. P-1A (3352SHEHEEN2), which was adopted:

Amend the Committee Report, as and if amended, page [3352-2], by striking lines 20-23 and inserting:

/ (4) if not prohibited by an applicable employment contract, furlough teachers for up to five noninstructional days, provided that district administrators are furloughed for twice the number of days./

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

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Amendment No. P-2

Senator HAYES proposed the following Amendment No. P-2 (3352R001.RWH), which was adopted:

Amend the Committee Amendment, as and if amended, page [3352-3], by striking lines 19 - 25 and inserting:

/ SECTION 3. Notwithstanding another provision of law and for the 2008-2009 and 2009-2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment and the physical education assessment, must be suspended. New textbook adoptions may be suspended. Nothing in this joint resolution suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

Amendment No. P-3

Senator RYBERG proposed the following Amendment No. P-3 (3352R004.WGR), which was tabled:

Amend the Committee Report, as and if amended, page [3352-2], by striking lines 16 - 19 and inserting:

/ (3) uniformly negotiate salaries below the school district salary schedule for the 2009-2010 school year for teachers who are not participants in the Teacher and Employee Retention Incentive Program; and /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

Senator L. MARTIN moved to lay the amendment on the table.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 17

AYES

Alexander	Anderson	Campbell
Cleary	Courson	Cromer
Elliott	Hayes	Hutto
Knotts	Land	Leatherman
Lourie	Malloy	<i>Martin, L.</i>
Matthews	Nicholson	O'Dell
Peeler	Pinckney	Reese
Scott	Setzler	Sheheen

Total--24

NAYS

Bright	Bryant	Campsen
Davis	Fair	Ford
Grooms	Jackson	<i>Martin, S.</i>
Massey	McConnell	Rankin
Rose	Ryberg	Shoopman
Thomas	Verdin	

Total--17

The amendment was laid on the table.

The question then was the adoption of the amendment proposed by the Committee on Finance.

The Committee on Finance proposed the following amendment (3352FIN001), which was adopted:

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. For the 2008-2009 and 2009-2010 fiscal years, school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for

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school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness.

SECTION 2. (A) Notwithstanding another provision of law and for the 2008-2009 and 2009-2010 fiscal years, school districts may:

(1) suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs. The funds shall be utilized in accordance with Section 4 of this joint resolution;

(2) delay from April fifteenth to May fifteenth the date that contracts are issued to teachers. A teacher who is reemployed by written notification pursuant to Section 59-25-410 shall notify the board of trustees of the district in writing of his acceptance of the contract within ten days of such notification or May twenty-fifth, whichever occurs later. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence of the teacher's rejection of the contract;

(3) uniformly negotiate salaries below the school district salary schedule for the 2009-2010 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive Program; and

(4) if specified in the employment contract between a teacher and a school district, furlough teachers for up to five noninstructional days, provided that district administrators are furloughed for twice the number of days.

(B) To further ensure resources are maximized, school districts are encouraged to reduce expenditures by means, including, but not limited to:

(1) limiting the number of low enrollment courses;

(2) reducing travel for the staff and the school district's board;

(3) reducing and limiting activities requiring dues and memberships;

(4) reducing transportation costs for extracurricular and academic competitions; and

(5) expanding virtual instruction.

Education related entities that require dues from school districts are encouraged to consider cost savings measures for school districts including, but not limited to, coordination and reductions in dues, workshops, and professional training initiatives.

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(C) Quarterly throughout the 2009-2010 fiscal year, and during the fourth quarter of fiscal year 2008-2009, the chairman of each school district's board and the superintendent of each school district must certify where noninstructional or non-essential programs have been suspended and the specific actions taken in response to the measures provided in Sections 1 and 2 of this joint resolution. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

(D) Prior to implementing the flexibility provisions provided in this joint resolution, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program.

(E) All other provisions of law, program regulations, guidelines, reporting, and audit requirements remain in effect unless addressed in this joint resolution.

SECTION 3. Notwithstanding another provision of law and for the 2008-2009 and 2009-2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment, the physical education assessment, and new textbook adoptions must be suspended. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel.

SECTION 4. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009-2010 fiscal year only, at least sixty-five percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and noninstruction pupil services. No portion of the sixty-five percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. By August 1, 2010, the school district shall report to the State Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support,

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and noninstruction pupil services for the school year ending June 30, 2010.

For purposes of this section, "In\$ite" means the financial analysis model for education program utilized by the State Department of Education.

SECTION 5. For Fiscal Years 2008-2009 and 2009-10, Section 59-21-1030 is suspended.

SECTION 6. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Amendment No. 1A

Senators BRYANT and ROSE proposed the following Amendment No. 1A (3352R005.KLB):

Amend the resolution, as and if amended, page 3, by adding an appropriately numbered new SECTION to read:

/ SECTION ____ (A)(1) For the 2009-2010 fiscal year, school districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading.

(2)(a) The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure.

(b) The register must not include an entry for salary, wages, or other compensation paid to individual employees.

(c) The register must not include any information that can be used to identify an individual employee.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(3) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the internet website for at least five years.

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(B)(1) For the 2009-2010 fiscal year, each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use.

(2) The credit card number on each statement must be redacted prior to posting on the internet website.

(3) Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid. Each statement must be maintained on the website for at least five years.

(C)(1) The comptroller general must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

(2) School districts that do not maintain an internet website must transmit all information required by this section to the comptroller general in a manner and at a time determined by the comptroller general to be included on the internet website required by this section.

(D) The provisions contained in this section do not amend, suspend, supercede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

(E) The provisions contained in this section must be implemented within one hundred eighty days of the effective date of this joint resolution. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

Point of Order

Senator HUTTO raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

Senator L. MARTIN spoke on the Point of Order.

Senator SHEHEEN spoke on the Point of Order.

Senator ROSE spoke on the Point of Order.

Senator BRYANT spoke on the Point of Order.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

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Senator BRYANT resumed explaining the amendment.
Senator HUTTO spoke on the amendment.

Senator MALLOY objected to further consideration of the Resolution.

**DECISION OF THE PRESIDENT PRO TEMPORE
OBJECTION**

S. 517 -- Senators Davis, Bright, Shoopman, Ryberg, Bryant, Mulvaney, Fair, Peeler, Rose and Campsen: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY, BY REGULATION OR OTHERWISE, MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASE OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION; TO PROVIDE THAT APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Finance.

Decision of the President *Pro Tempore*

The President *Pro Tempore* took up the Point of Order raised by Senator DAVIS on Tuesday, March 24, 2009, that the amendment proposed by the Committee on Finance was violative of Rule 24A.

The President *Pro Tempore* sustained the Point of Order.

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The amendment proposed by the Committee on Finance, printed in the Journal of Tuesday, March 24, 2009, was ruled out of order.

Senator LOURIE objected to further consideration of the Resolution.

OBJECTION

S. 284 -- Senators Alexander, L. Martin, Campbell and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT A UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE

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AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

Senator MALLOY objected to further consideration of the Bill.

AMENDMENT PROPOSED, OBJECTION

S. 239 -- Senators Massey, Rose and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-7-67 ENACTING THE "APPROPRIATIONS BILL EARMARK DISCLOSURE ACT", TO PROVIDE FOR THE DISCLOSURE OF INFORMATION SURROUNDING EARMARKS REQUESTED BY MEMBERS OF THE GENERAL ASSEMBLY FOR INCLUSION IN AN APPROPRIATIONS BILL, TO PROVIDE DEFINITIONS APPLICABLE FOR THIS DISCLOSURE, AND TO PROVIDE FOR THE ENFORCEMENT OF THESE DISCLOSURE REQUIREMENTS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

Senator MASSEY proposed the following amendment (239R003.ASM):

Amend the committee amendment, as and if amended, page [239-2], by striking line 17 and inserting:

/ resolution.

(D) Any director, officer, or employee of any state agency, institution, or instrumentality or any other entity requesting an appropriation to be included in any appropriations bill must disclose to the House Ways and Means Committee or the Senate Finance Committee upon making the request, if any portion of the appropriation is to be used to fund a program or project requested by a member of the General Assembly. The disclosure must be in writing and include, at a minimum, when the request for the project was made, the member requesting the project, a brief description of the project, and the cost of the project. The project must then be recorded and maintained in the same manner as provided by this section, unless a request including the project has already been filed by the member." /

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Renumber sections to conform.
Amend title to conform.

Senator MASSEY explained the amendment.

Senator FORD objected to further consideration of the Bill.

CARRIED OVER

S. 23 -- Senator Jackson: A BILL TO AMEND ARTICLE 47, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS, SO AS TO DELETE THE TERM "THIS ARTICLE" AND REPLACE IT WITH "SECTION 56-5-6410", AND TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OR OCCUPANT OF A MOTOR VEHICLE TO SMOKE A TOBACCO PRODUCT WHILE A CHILD WHO IS LESS THAN TEN YEARS OLD IS ALSO AN OCCUPANT OF THE MOTOR VEHICLE, AND TO PROVIDE A PENALTY.

Senator JACKSON spoke on the Bill.

On motion of Senator BRIGHT, the Bill was carried over.

S. 218 -- Senators Fair and Leventis: A BILL TO AMEND SECTIONS 24-13-210 AND 24-13-230, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GOOD BEHAVIOR, WORK, AND ACADEMIC CREDITS, SO AS TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO ESTABLISH POLICIES AND PROCEDURES TO RESTORE TO AN INMATE GOOD-TIME CREDIT LOST FOR A DISCIPLINARY ACTION IF THE INMATE IS NOT FOUND GUILTY OF A SUBSEQUENT DISCIPLINARY ACTION, TO ALLOW THE DIRECTOR TO AWARD GOOD-TIME CREDIT TO AN INMATE WHO PERFORMS CERTAIN MERITORIOUS ACTS, AND TO PROVIDE THAT THE DIRECTOR MUST ESTABLISH POLICIES AND PROCEDURES TO ALLOW CERTAIN PRISONERS WHO ARE ENROLLED IN CERTAIN PROGRAMS THAT INCLUDE SELF-HELP PROGRAMS TO RECEIVE A REDUCTION IN THEIR SENTENCES; TO AMEND SECTION 24-27-200, RELATING TO THE FORFEITURE OF WORK, EDUCATION, OR GOOD CONDUCT CREDITS, SO AS TO

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PROVIDE THAT A REDUCTION IN THESE CREDITS MAY BE IMPLEMENTED PURSUANT TO AN ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION; AND TO AMEND SECTION 30-4-40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT CERTAIN ARCHITECTURAL PLANS, DRAWINGS, OR SCHEMATICS OR LAW ENFORCEMENT POLICIES WHOSE DISCLOSURE WOULD REASONABLY BE USED TO FACILITATE AN ESCAPE FROM LAWFUL CUSTODY MAY BE EXEMPT FROM DISCLOSURE.

On motion of Senator FAIR, the Bill was carried over.

H. 3378 -- Rep. Cooper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

On motion of Senator KNOTTS, the Bill was carried over.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

On motion of Senator L. MARTIN, the Senate agreed to dispense with the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME**

RETURNED TO THE CATEGORY OF SPECIAL ORDER

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44-1-60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS.

(ABBREVIATED TITLE)

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The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (S-337 SUBAMENDMENT), which was adopted:

Amend the bill as and if amended, page 4, by striking lines 3-9 and inserting:

/ (3) Staff decisions in which a determination is made regarding the applicability of Section 44-7-160 or a request for exemption under Section 44-7-170 are the final agency decision and not subject to appeal. /

Amend the bill further, page 4, by striking lines 16-21 and inserting:

/ (F) No later than sixty calendar days after the date of receipt of a request for final review, a final review conference must be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. If the board declines in writing to schedule a final review conference or if a final review conference is not conducted within sixty calendar days, the /

Amend the bill further, page 5, by striking lines 37-38 and inserting:

/ (2) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; /

Amend the bill further, page 6, by striking line 20 and inserting:

/ ~~methadone treatment facilities, tuberculosis hospitals, nursing~~ /

Amend the bill further, page 8, by striking lines 35-42 and inserting:

/ (4) a capital expenditure by or on behalf of a health care facility which is associated with the addition or substantial expansion of a health service for which specific standards or criteria are prescribed in the ~~State~~ South Carolina Health Plan;

(5) the offering of a health service by or on behalf of a health care facility which has not been offered by the facility in the preceding twelve months ~~and which has an annual operating cost in excess of an amount to be prescribed by~~ /

Amend the bill further, page 9, by striking lines 20-21 and inserting:

/ regardless of its cost. This item applies to the acquisition of new or used equipment. /

Amend the bill further, page 10, by striking lines 19-24 and inserting:

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/ (2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44-7-160(1) and (6);

(3) the replacement of like equipment for which a certificate of need has been issued which does not constitute a material change in service or a new service~~the acquisition by a health care facility of medical~~ /

Amend the bill further, page 12, by striking line 1, and inserting:

/ business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. The chairman/

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

Amendment No. 1

Senator CLEARY proposed the following Amendment No. 1 (S-337 CLEARY1), which was adopted:

Amend the bill as and if amended, page 9, by striking lines 3-21 and inserting:

/ (6) the acquisition of medical equipment which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation; /

Amend the bill further, page 11, by striking lines 34-43 and inserting:

/ "Section 44-7-180. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be ~~equally~~ represented among the Governor's appointees: health care consumers, health care financiers ~~to include~~, including /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

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The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 1

AYES

Alexander	Bright	Campbell
Campsen	Cleary	Courson
Cromer	Davis	Elliott
Fair	Grooms	Hayes
Hutto	Jackson	Knotts
Leatherman	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	Nicholson
O'Dell	Peeler	Pinckney
Rankin	Reese	Rose
Ryberg	Scott	Setzler
Sheheen	Shoopman	Thomas
Verdin		

Total--37

NAYS

Bryant

Total--1

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

The Bill was returned to the category of Special Order.

Senator L. MARTIN moved that the Senate revert to the Motion Period.

The Senate agreed to revert to the Motion Period.

MADE SPECIAL ORDER

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis,

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Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb-Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERI TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Senator L. MARTIN moved that the Joint Resolution be made a Special Order.

The Joint Resolution was made a Special Order.

MOTION ADOPTED

On motion of Senator L. MARTIN, the Senate agreed to dispense with the Motion Period.

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**COMMITTEE AMENDMENT AMENDED AND ADOPTED
AMENDED, READ THE SECOND TIME
RETURNED TO THE CATEGORY OF SPECIAL ORDER**

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler and L. Martin: A BILL TO AMEND SECTION 16-3-654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

Amendment No. P-2

Senators MASSEY and KNOTTS proposed the following Amendment No. P-2 (JUD0107.004), which was adopted:

Amend the committee report, as and if amended, page 107-2, by striking lines 32-34, and inserting:

/ (D) If a person affiliated with a public or private secondary school in an official capacity has direct supervisory authority over a student enrolled in the school who is eighteen years of age or older, and the person affiliated with the public or private secondary school in an official capacity engages in sexual battery with the student, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

(E) This section does not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

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The Committee on Judiciary proposed the following amendment (JUD0107.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 7, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-750. (A) For purposes of this section:

(1) ‘Aggravated coercion’ means that the person affiliated with a public or private secondary school in an official capacity threatens to use force or violence of a high and aggravated nature to overcome the student, if the student reasonably believes that the person has the present ability to carry out the threat, or threatens to retaliate in the future by the infliction of physical harm, kidnapping, or extortion, under circumstances of aggravation, against the student.

(2) ‘Aggravated force’ means that the person affiliated with a public or private secondary school in an official capacity uses physical force or physical violence of a high and aggravated nature to overcome the student or includes the threat of the use of a deadly weapon.

(3) ‘Person affiliated with a public or private secondary school in an official capacity’ means an administrator, teacher, substitute teacher, teacher’s assistant, student teacher, law enforcement officer, school bus driver, guidance counselor, or coach who is affiliated with a public or private secondary school but is not a student enrolled in the school.

(4) ‘Secondary school’ means either a junior high school or a high school.

(5) ‘Sexual battery’ means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes.

(6) ‘Student’ means a person who is enrolled in a school.

(B) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

(C) If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled

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in the school who is eighteen years of age or older, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for thirty days, or both.

(D) This section does not apply if the person affiliated with a public or private secondary school in an official capacity is lawfully married to the student at the time of the act.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

Senator HUTTO spoke on the Bill.

Amendment No. 1

Senator CAMPSSEN proposed the following Amendment No. 1 (107R001.GEC), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION _____. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any

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reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend title to conform.

Senators CAMPSSEN and HUTTO explained the amendment.

The amendment was adopted.

The question then was the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

Alexander	Bright	Bryant
Campbell	Campsen	Cleary
Courson	Cromer	Davis
Elliott	Fair	Ford
Grooms	Hayes	Hutto
Jackson	Knotts	Leatherman
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Matthews
McConnell	Nicholson	Peeler
Pinckney	Rankin	Reese
Rose	Ryberg	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	

Total--38

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NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

S. 107--Ordered to a Third Reading

On motion of Senator RYBERG, with unanimous consent, S. 107 was ordered to receive a third reading on Thursday, March 26, 2009.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Marlboro County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Ronald K. McDonald, P. O. Box 418, Bennettsville, SC 29512

Reappointment, Spartanburg County Master-in-Equity, with the term to commence June 30, 2009, and to expire June 30, 2015

Gordon G. Cooper, County of Spartanburg, 180 Magnolia Street, Suite 901, Spartanburg, SC 29306

Message from the House

Columbia, S.C., March 24, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Reappointment, Spartanburg County Master-in-Equity, with the term to commence June 30, 2009, and to expire June 30, 2015

Gordon G. Cooper, County of Spartanburg, 180 Magnolia Street, Suite 901, Spartanburg, SC 29306

Very respectfully,

Speaker of the House

Received as information.

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Having received a favorable report from the Senate, the following appointment was taken up for consideration in open session:

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

William R. Chumley, 905 Fowler Rd., Woodruff, SC 29388 *VICE*
Brian David Taylor

Pursuant to the provisions of Rule 51 (weighted vote shown in parentheses below), the "ayes" and "nays" were demanded and taken, resulting as follows:

AYES

Bright (34.62) Reese (35.79)

Total--2

NAYS

Martin, S. (27.58) Peeler (2.01)

Total--2

By a weighted vote of 70.41 to 29.59, the appointment of Mr. William R. Chumley was confirmed.

MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Wade Stackhouse Weatherford, Jr. of Gaffney, S.C., former Seventh Circuit Court Judge (1967-1981), South Carolina Senator (1966-1967) and member of the House of Representatives (1961-1966). He had been married to his wife, Eleanor Redyke Weatherford, for 64 years and was a devoted father of three children.

and

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MOTION ADOPTED

On motion of Senator LEVENTIS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Marion "Rat" Howard, Sr. of Sumter, S.C. Mr. Howard attended Winn Elementary School and graduated from Lincoln High School. He was a member of Mount Zion United Methodist Church, where he served as finance chairman, member of the United Methodist Men and the transportation ministry. He was honored as "Mr. Mount Zion" for the United Methodist Men. He served his country in the U.S. Army and was honorably discharged. His employment included supervisor at Dixie Beverage; radio broadcaster at WWDM; and truck driver for CSX Railroad. He was also an active member of the American Legion. Mr. Howard was a wonderful man who enjoyed life, and blessed the lives of those he encountered. He will be deeply missed by his family and all of his friends.

ADJOURNMENT

At 6:02 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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